

**Chapter 495C-276 WAC
ACCESS TO PUBLIC RECORDS**

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 495C-276-140 | Adoption of form. [Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-276-140, filed 9/16/92, effective 10/17/92.] Repealed by WSR 00-12-019, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140(13). |
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WAC 495C-276-010 Purpose. The purpose of this chapter is to ensure that Clover Park Technical College complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

[Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-276-010, filed 9/16/92, effective 10/17/92.]

WAC 495C-276-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums and other documents.

(3) "Clover Park Technical College" is an agency organized by statute pursuant to RCW 28B.50.040. Clover Park Technical College shall hereafter be referred to as the "district." Where appropriate, the term "district" also refers to the staff and employees of the district.

[Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-276-020, filed 9/16/92, effective 10/17/92.]

WAC 495C-276-030 Description of central and field organization of Clover Park Technical College District No. 29. (1) Clover Park Technical College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the college campus within the county of Pierce, Washington. The col-

lege campus likewise comprises the central headquarters for all operations of the district. Field activities for the branch campuses of the district are administered by personnel located at the Clover Park Technical College main office at 4500 Steilacoom Boulevard Southwest in Lakewood, Washington.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 495C-104-010. The board of trustees employs a president, an administrative staff, instructors, and other employees. The board of trustees takes such actions and promulgates such rules, and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the Policy and Procedure Manual for Clover Park Technical College, a current copy of which is available for inspection at the administrative office of the district.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-276-030, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-276-030, filed 9/16/92, effective 10/17/92.]

WAC 495C-276-040 Operations and procedures. (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the Policy and Procedure Manual of Clover Park Technical College, a current copy of which is available for inspection at the administrative office of the district.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-276-040, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-276-040, filed 9/16/92, effective 10/17/92.]

WAC 495C-276-050 Public records available. All public records of the district, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 or other statutes.

[Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-276-050, filed 9/16/92, effective 10/17/92.]

WAC 495C-276-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the president. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules

regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter 42.17 RCW.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-276-060, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-276-060, filed 9/16/92, effective 10/17/92.]

WAC 495C-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.

[Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-276-070, filed 9/16/92, effective 10/17/92.]

WAC 495C-276-080 Requests for public records. In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing on the district's request form found on the public records page of the college's website or by letter, fax, or email addressed to the public records officer or designee. The request shall include the following information:

- (a) The name of the requestor;
- (b) The address of the requestor and/or other contact information such as telephone number and email address;
- (c) The time of day and calendar date on which the request was made;
- (d) An appropriate description of the record(s) requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or designee, to provide the fullest assistance to the requestor and to provide the most timely possible action.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-276-080, filed 8/1/19, effective 9/1/19. Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-276-080, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-276-080, filed 9/16/92, effective 10/17/92.]

WAC 495C-276-090 Copying. (1) No fee shall be charged for the inspection of public records.

(2) The following copy fees and payment procedures apply to requests to the district under chapter 42.56 RCW and received on or after July 31, 2017.

(3) Pursuant to RCW 42.56.120 (2)(b), the district is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The district does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential agency functions; and

(c) Through the 2017 legislative process, the public and requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b), (c), (3) and (4).

(4) The district will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The district will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the district may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The district may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the district are summarized in the fee schedule available on the district's website.

(5) Requestors are required to pay for copies in advance of receiving records. Fee waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer to waive copying fees when:

(i) All of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of one hundred printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule.

(b) Fee waivers are not applicable to records provided in installments.

(6) The public records officer may require an advance deposit of ten percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

(7) All required fees must be paid in advance of release of the copies or an installment of copies, or in advance of when a deposit is required. The district will notify the requestor of when payment is due.

(8) Payment should be made by check or money order to Clover Park Technical College.

(9) The district will close a request when a requestor fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-276-090, filed 8/1/19, effective 9/1/19. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-276-090, filed 9/16/92, effective 10/17/92.]

WAC 495C-276-100 Determination regarding exempt records. (1)

The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents

are exempt from disclosure if any "other statute" exempts or prohibits disclosure.

(2) The district is prohibited by statute from disclosing lists of individuals for commercial purposes.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within five business days as to whether his or her request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

[Statutory Authority: RCW 28B.50.140. WSR 19-16-095, § 495C-276-100, filed 8/1/19, effective 9/1/19. Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-276-100, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-276-100, filed 9/16/92, effective 10/17/92.]

WAC 495C-276-110 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 which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the president or designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, the president or designee, shall complete such review.

(4) During the course of the review the president or designee shall consider the obligations of the district to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

[Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-276-110, filed 9/16/92, effective 10/17/92.]

WAC 495C-276-120 Protection of public records. Requests for public records shall be made at the administrative office of the district at 4500 Steilacoom Boulevard Southwest, Lakewood, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 495C-276-090.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-276-120, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-276-120, filed 9/16/92, effective 10/17/92.]

WAC 495C-276-130 Records index. (1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after September 1, 1991:

- (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;
- (c) Administrative staff manuals and instructions to staff that affect a member of the public;
- (d) Planning policies and goals, and interim and final planning decisions;
- (e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and
- (f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-276-130, filed 9/16/92, effective 10/17/92.]