

# Chapter 132Y-320 WAC

## PUBLIC RECORDS POLICY

### WAC

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**WAC 132Y-320-010 Purpose.** The purpose of this chapter shall be to ensure compliance by Community College District No. 23 with the provisions of chapter 42.17 RCW, commonly called Initiative No. 276, and in particular with RCW 42.17.250 - 42.17.340 of that act dealing with public records.

[Statutory Authority: Chapter 28B.19 RCW. 89-12-057 (Resolution No. 89-5-4), § 132Y-320-010, filed 6/6/89.]

**WAC 132Y-320-020 Definitions.** (1) "Public records" include 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, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) "Community College District No. 23" is an agency organized by statute pursuant to RCW 28B.50.040 and shall hereinafter be referred to as the "district." Where appropriate, the term district also refers to the board of trustees and employees of the district.

[Statutory Authority: Chapter 28B.19 RCW. 89-12-057 (Resolution No. 89-5-4), § 132Y-320-020, filed 6/6/89.]

**WAC 132Y-320-030 Description of central and field organization of Community College District No. 23.** District No. 23 is a community college district organized under RCW 28B.50.040. The administrative office of the district and its staff is located at 20000 68th Avenue West, Lynnwood, Washington 98036.

[Statutory Authority: Chapter 28B.19 RCW. 89-12-057 (Resolution No. 89-5-4), § 132Y-320-030, filed 6/6/89.]

(6/6/89)

**WAC 132Y-320-040 Operations and procedures.** The district is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college district is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members, each appointed by the governor to a term of five years. The trustees exercise the powers and duties granted them under RCW 28B.50.140.

[Statutory Authority: Chapter 28B.19 RCW. 89-12-057 (Resolution No. 89-5-4), § 132Y-320-040, filed 6/6/89.]

**WAC 132Y-320-050 Public records available.** All public records of the district, as defined in WAC 132Y-320-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 132Y-320-100, Exemptions.

[Statutory Authority: Chapter 28B.19 RCW. 89-12-057 (Resolution No. 89-5-4), § 132Y-320-050, filed 6/6/89.]

**WAC 132Y-320-060 Public records officer.** The district's public records shall be in the charge of the public records officer designated by the college president. The person so designated shall be located in the administrative offices of the district. The public records officer shall be responsible for the following: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: Chapter 28B.19 RCW. 89-12-057 (Resolution No. 89-5-4), § 132Y-320-060, filed 6/6/89.]

**WAC 132Y-320-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the district. For the 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.

[Statutory Authority: Chapter 28B.19 RCW. 89-12-057 (Resolution No. 89-5-4), § 132Y-320-070, filed 6/6/89.]

**WAC 132Y-320-080 Requests for public records.** In accordance with requirements of chapter 42.17 RCW 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 may be inspected or copied, or copies of such records may be obtained by members of the public upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at its administrative office. The form shall be presented to the public records officer, or to any member of the district's staff if the

public records officer is not available, at the administrative offices of the district during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the district's current index, an appropriate description of the record 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 staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: Chapter 28B.19 RCW. 89-12-057 (Resolution No. 89-5-4), § 132Y-320-080, filed 6/6/89.]

**WAC 132Y-320-090 Copying.** No fee shall be charged for the inspection of public records. The district shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the district's copy equipment. This charge is the amount necessary to reimburse the district for its actual costs incident to such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the district will provide copies at a rate sufficient to cover any additional cost. All fees must be paid by money order, cashier's check or cash in advance.

[Statutory Authority: Chapter 28B.19 RCW. 89-12-057 (Resolution No. 89-5-4), § 132Y-320-090, filed 6/6/89.]

**WAC 132Y-320-100 Exemptions.** (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132Y-320-080 is exempt under the provisions of chapter 42.17 RCW.

(2) In addition, pursuant to RCW 42.17.310, the district reserves the right to delete identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: Chapter 28B.19 RCW. 89-12-057 (Resolution No. 89-5-4), § 132Y-320-100, filed 6/6/89.]

**WAC 132Y-320-110 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 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 his designee shall immediately consider the matter and either affirm or reverse such denial or consult with the attorney general to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

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

[Statutory Authority: Chapter 28B.19 RCW. 89-12-057 (Resolution No. 89-5-4), § 132Y-320-110, filed 6/6/89.]

#### **WAC 132Y-320-120 Protection of public records.**

Requests for public records shall be made in the administration building of Edmonds Community College. 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 for their inspection. Copies shall be made at Edmonds Community College. If copying facilities are not available at the college, the college will arrange to have copies made commercially according to the provisions of WAC 132Y-320-090, Copying.

[Statutory Authority: Chapter 28B.19 RCW. 89-12-057 (Resolution No. 89-5-4), § 132Y-320-120, filed 6/6/89.]

**WAC 132Y-320-130 Records index.** (1) **Index** - the district has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972:

- (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 states an opinion of, or is asked to determine or state an opinion of, the rights of the state, the public, a subdivision of state government, or any private party.

(2) **Availability** - the current index promulgated 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: Chapter 28B.19 RCW. 89-12-057 (Resolution No. 89-5-4), § 132Y-320-130, filed 6/6/89.]

**WAC 132Y-320-990 Appendix A—Request for public record to Community College District No. 23.**

APPENDIX A  
REQUEST FOR PUBLIC RECORD TO COMMUNITY COLLEGE  
DISTRICT NO. 23  
EDMONDS COMMUNITY COLLEGE

.....  
Signature ..... Name (please print) .....  
.....  
Name of Organization .....  
.....  
Mailing Address of Applicant ..... Phone Number .....  
.....  
Date Request Made at Community ..... Time of Day .....  
College District No. 23 ..... of Request .....  
Nature of Request .....  
.....  
.....  
Identification Reference on Current Index (please describe) .....  
.....  
.....  
Description of record or matter requested, if not identifiable  
by reference to current index of Community College District  
No. 23.  
.....  
.....  
.....  
Request Approved ..... By .....  
Date ..... Public Records Officer .....  
Request Denied ..... Reasons for Denial .....  
.....  
.....  
.....  
Referred to ..... Date .....

[Statutory Authority: Chapter 28B.19 RCW. 89-12-057 (Resolution No. 89-5-4), § 132Y-320-990, filed 6/6/89.]