

# Chapter 132I-276 WAC

## ACCESS TO PUBLIC RECORDS

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132I-276-070	Protest. [Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-070, filed 7/21/92, effective 8/21/92.] Repealed by 12-16-111, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 28B.50.140.
132I-276-090	Sanctions. [Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-090, filed 7/21/92, effective 8/21/92.] Repealed by 12-16-111, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 28B.50.140.

**WAC 132I-276-010 Access to public records.** This chapter shall be known as Highline Community College rules on public records.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-010, filed 7/21/92, effective 8/21/92.]

**WAC 132I-276-015 Records index.** A records index of all documents as required by law shall be maintained by the college.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-015, filed 7/21/92, effective 8/21/92.]

**WAC 132I-276-017 Definitions.** (1) "Public record" includes any written 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, e-mail, electronically maintained documents 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) Highline Community College is an agency organized by statute pursuant to chapter 28B.50 RCW and shall hereinafter be referred to as the "college."

[Statutory Authority: RCW 28B.50.140. 12-16-111, § 132I-276-017, filed 8/1/12, effective 9/1/12.]

(8/1/12)

**WAC 132I-276-020 Purpose.** The purpose of this chapter is to ensure compliance by Highline Community College with chapter 42.17 RCW while at the same time preserving the orderly operation of the community college district and the privacy of the students and employees of the college.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-020, filed 7/21/92, effective 8/21/92.]

**WAC 132I-276-030 Request for documents—Procedure.** (1) For purposes of compliance with chapter 1, Laws of 1973, a records officer shall be designated by the college president. The duties of the records officer may include, but are not limited to, the implementation of the college's rules and regulations regarding release of public records, coordinating college staff in this regard, and generally insuring compliance by the staff with the public records disclosure requirements.

(2) All documents which are public records as defined by chapter 42.17 RCW are presumptively available for public access, except as restricted by WAC 132I-276-050. Any person wishing to inspect a public record shall submit a written request to the public records officer. The request must include the following information:

- The name of the person requesting the record;
- The calendar date on which the request was made;
- The period of time for which information is requested;
- The nature and description of the request;
- 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.

(3) The records officer or her/his designee shall, within five business days:

- Make the requested document available (with exempt information redacted, if necessary); or
- Provide an internet address and link on the college's web site to the specific records requested; or
- Acknowledge receipt of the request and provide a reasonable estimate as to when the college will be able to respond to the request; or
- State that such a document does not exist; or
- Ask for clarification of the document requested; or
- Deny access because the document is exempt from public inspection.

[Statutory Authority: RCW 28B.50.140. 12-16-111, § 132I-276-030, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-030, filed 7/21/92, effective 8/21/92.]

**WAC 132I-276-045 Review of denials of public records request.** (1) Any person who objects to the denial of a request for a public record may petition, in writing, for prompt review of such decision.

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

(3) Within ten business days after receiving the written request for review of a decision denying a public record, the president or his or her designee, shall complete such review.

(4) During the course of the review the president or his or her designee shall consider the obligations of the district to fully comply with the intent of chapter 42.56 RCW insofar which requires providing full public access to official records, but shall also consider both the exemptions provided in chapter 42.56 RCW and the provisions of the statute which require the college 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. 12-16-111, § 132I-276-045, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-045, filed 7/21/92, effective 8/21/92.]

**WAC 132I-276-050 Exemptions.** (1) The college reserves the right to withhold documents or redact information that is exempt from disclosure under the provisions of chapter 42.56 RCW or any other applicable laws.

(2) The college reserves the right to redact information from public records in any case where such information is exempt from disclosure. A reasonable time shall be allowed for redacting the exempt information. Responses to requests for public records that contain redacted documents shall be accompanied by an exemption log that identifies the redacted document and contains a written statement describing the applicable exemption, the legal citation to the exemption, and a brief description of how the exemption applies to the redacted information.

(3) All denials of requests for public records, whether in part or in whole, must be accompanied by an exemption log containing a description of the document (including the type of record, the number of pages, its date and unless otherwise protected, the name of its author and recipient) a written statement describing the applicable exemption, the legal citation to the exemption, and a brief description of how the exemption applies to the record being withheld or redacted. Where use of any identifying features whatever would reveal protected content, records may be designated by a numbered sequence.

(4) The release or disclosure of student educational records is governed by federal regulation, Family Educational Rights and Privacy Act (FERPA). Separate and different standards and procedures may apply to requests for student educational records.

[Statutory Authority: RCW 28B.50.140. 12-16-111, § 132I-276-050, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-050, filed 7/21/92, effective 8/21/92.]

**WAC 132I-276-060 Copying.** No fee shall be charged for the inspection of public records. The college will charge

twenty-five cents per page for providing copies of public records. This charge applies to scanning documents into a PDR or other electronic formats, as well as paper copies. This charge is intended to reimburse the college for its actual costs arising from the copying or scanning of requested public records. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the college reserves the right to charge for copies at a rate sufficient to cover any additional costs. The college reserves the right to require a ten percent advance payment of estimated copy or scanning costs before commencing copying or scanning. The college reserves the right to produce copies of documents on a partial or installment basis and charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the college is not obligated to fulfill the balance of the request.

When electronic records are provided on electronic media such as CDs or DVDs, the college may recover the cost of producing the media.

The college may recover the cost of packaging and mailing requested records.

[Statutory Authority: RCW 28B.50.140. 12-16-111, § 132I-276-060, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-060, filed 7/21/92, effective 8/21/92.]

**WAC 132I-276-080 Office hours.** For purposes of this chapter, the regular office hours of Highline Community College are available on the college web site.

[Statutory Authority: RCW 28B.50.140. 12-16-111, § 132I-276-080, filed 8/1/12, effective 9/1/12. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-080, filed 7/21/92, effective 8/21/92.]

**WAC 132I-276-100 Public records Form 1.**

Community College District IX  
Public Records Form 1

To: .....  
The applicant requests inspection of the following documents:

- 1. ....
- 2. ....
- 3. ....

The applicant agrees to return the documents unharmed and in an orderly fashion.

Signed .....  
Address .....

This form must be presented to the records officer or their secretary.

- Disposition:
- ..... The requested document is available for inspection.
  - ..... The college is not in possession of such a document.
  - ..... Please clarify precisely what documents are being requested as it cannot be determined from your application what documents are desired.
  - ..... The requested is denied because the document is:

Community College District IX  
Public Records Form 1

- ..... (a) Personal information in a file maintained for a student of this institution.
- ..... (b) Personal information in a file maintained for an employee of the district disclosure of which would violate the employee's right to privacy.
- ..... (c) A preliminary draft, note, recommendation, or interagency memorandum in which opinions are expressed or policies formulated or recommended, which document has not been publicly cited by this agency in connection with an agency action.
- ..... (d) A record which is relevant to a controversy to which this agency is a party which record would not be available to another party under the rules of pretrial discovery.
- ..... (e) The document contains personal information which, when deleted, can be released, and such deletions will be completed by .....
- ..... (f) Other.

Signed .....  
Title .....

A refusal to make a record available for inspection may be appealed to the president.

Received: .....  
Returned: .....  
Demand: .....

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-100, filed 7/21/92, effective 8/21/92.]

**WAC 132I-276-110 Public records Form 2.**

Community College District IX  
Public Records Form 2

To: .....

The applicant has been denied inspection of a document which is possessed by Community College District IX. The denial was made following submission of Form 1 (attached hereto).

The applicant appeals the disposition made on Form 1 and requests you to review this denial prior to the close of the second business day following the denial of the request.

Signed .....  
Address .....

This form must be presented to the secretary of the president. The appellant understands the president is not available until ....., and agrees to an extension of the return until .....

Signed .....

Disposition:  
..... Inspection of the documents is granted.

Community College District IX  
Public Records Form 2

..... Inspection will be granted following deletion of personal material in the requested documents.  
..... Inspection of the documents is denied because

Signed .....  
Title .....  
Received: .....  
Returned: .....  
Demand: .....

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-110, filed 7/21/92, effective 8/21/92.]