

Chapter 434-690 WAC

ARCHIVES—ACCESS TO PUBLIC RECORDS

WAC

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WAC 434-690-010 Purpose. The purpose of this chapter shall be to ensure compliance by the office of the secretary of state, division of archives and records management with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25–32 of that act, dealing with public records.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-010, filed 11/12/91, effective 12/13/91.]

WAC 434-690-020 Description of central and field organization of the division of archives and records management. Division of archives and records management. The division is an administrative service and regulatory agency. The administrative office of the division and its staff are located at the Archives and Records Center Building, Olympia, Washington.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-020, filed 11/12/91, effective 12/13/91.]

WAC 434-690-030 Operations and procedures. The division of archives and records management is the primary archival and records management agency of Washington state government. The division is organized as depicted in Appendix A. Through its several sections, operating units, and regional offices it carries on the functions cited in chapter 434-620 WAC.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-030, filed 11/12/91, effective 12/13/91.]

WAC 434-690-040 Public records available. All public records of the division as defined in WAC 434-15-610 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 434-690-100.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-040, filed 11/12/91, effective 12/13/91.]

(11/12/91)

WAC 434-690-050 Public records officer. (1) The divisional records shall be in the charge of the public records officer designated by the secretary of state. The person so designated shall be located in the administrative office of the secretary of state. The public records officer shall be responsible for the following: The implementation of the division's rules and regulations regarding release of public records, coordinating the staff of the division in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

(2) The archival records in the custody of the division shall be in the charge of the state archivist. The state archivist shall be located in the state archives and records center building. The state archivist shall be responsible for the following: The implementation of the division's regulations regarding the release of archival records, coordinating the staff of the division in this regard and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

(3) The scheduled records in the custody of the division shall be in the charge of the public records officer designated by the agency of record origin. The public records officer of the agency of records origin shall be responsible for implementation of the agency's rules and regulations regarding the release of public records and coordinating with the staff of the state archives in this regard insofar as records of his agency in the custody of the state archivist are concerned.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-050, filed 11/12/91, effective 12/13/91.]

WAC 434-690-060 Office hours. Divisional records, archives and scheduled records shall be available for inspection and copying during the customary office hours of the division. For the purposes of this chapter, the customary office hours shall be from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-060, filed 11/12/91, effective 12/13/91.]

WAC 434-690-070 Requests for public records—Archives—Scheduled 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) **Divisional records.** A request shall be made in writing upon the form prescribed in WAC 434-690-150 which shall be available at the division's administrative office or at the secretary of state's administrative office. The form shall be presented to the secretary of state's public records officer

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at his/her office, or if he/she is not available, to any member of the division's staff at the administrative office of the division, 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 division's current index, an appropriate description of the record requested.

(2) **Archives.** A request shall be made in writing upon a form prescribed by the division which shall be available at the state archives and records center. The form shall be presented to the state archivist, or to a member of the division's staff, designated by the state archivist, at the state archives building, during customary office hours. The requests shall include specific subject and date and/or state archives record group, sub-group, series and date information to facilitate record retrieval.

(3) **Scheduled records.** Requests for scheduled records in the custody but not under the jurisdiction of the state archives, must be made through the office of record origin in accord with the rules and regulations regarding the release of public records by that agency as published in the Washington Administrative Code in compliance with chapter 42.17 RCW. An approved request form or letter of authorization from an appropriate agency of records origin must then be presented to the state archivist, or a member of the division's staff, thereby granting access, unless the division has other access authority granted by agency of record. The request or letter of authorization shall include the same or nearly the same identifying information as that supplied for public records of the division.

(4) 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: RCW 42.17.250. WSR 91-23-024, § 434-690-070, filed 11/12/91, effective 12/13/91.]

WAC 434-690-080 Fees. (1) No fee shall be charged for the inspection of public records.

(2) No fees shall be charged for records search and retrieval services.

(3) The division may impose a reasonable charge for providing copies of public records, regardless of media, and for the use by any person of division equipment to copy public records. Charges shall not exceed the amount necessary to reimburse the division for its actual costs incident to such copying.

(4) The division may charge a fee for research services prorated on salary benefit and overhead costs with a half-hour minimum.

(5) The division shall charge a fee of five dollars per certificate for issuance of a certificate or certified copies.

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[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-080, filed 11/12/91, effective 12/13/91.]

WAC 434-690-090 Exemptions. (1) The division reserves the right to determine that a public record or archive record requested in accordance with the procedures outlined in WAC 434-690-070 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.310, the division 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 or state archivist 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: RCW 42.17.250. WSR 91-23-024, § 434-690-090, filed 11/12/91, effective 12/13/91.]

WAC 434-690-100 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 secretary of state. The secretary of state shall immediately consider the matter and either affirm or reverse such 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 secretary of state 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: RCW 42.17.250. WSR 91-23-024, § 434-690-100, filed 11/12/91, effective 12/13/91.]

WAC 434-690-110 Protection of public records. Records will be made available to the requestor subject to the following restrictions:

(1) The records may not be removed from the area designated.

(2) The quantity of records may be limited in consonance with the requested use.

(3) All possible care will be taken by the requestor to prevent damage to the records.

(4) Records may not be marked or altered in any way.

(5) Use of liquids and fountain pens; also eating, drinking, and smoking while utilizing the records is prohibited.

(6) Records shall not be defaced in any way including writing on, folding or folding anew if in folded form, tracing or fastening with clips or other fasteners except those that may already exist in the file.

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(7) Records may not be cut or mutilated in any way.

(8) Records must be kept in the order in which received.

(9) Records will be returned to the state archivist or his designee by the requestor when no longer required and no later than the end of the customary office hours as set forth in WAC 434-690-060.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-110, filed 11/12/91, effective 12/13/91.]

WAC 434-690-120 Records index. (1) **Index.** The division has available to all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated since its inception:

"(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;

"(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 it is asked to deter-

mine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party;

"(g) Public records accessioned into the archive proper of the state of Washington; and

"(h) Scheduled records in the custody of the state archives."

(2) **Availability.** The current index promulgated by the division 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 42.17.250. WSR 91-23-024, § 434-690-120, filed 11/12/91, effective 12/13/91.]

WAC 434-690-130 Communication with division—Address. All communications with the division including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules; requests for copies of the division's decisions and other matters, shall be addressed as follows: Office of the Secretary of State, c/o Public Records Officer, Legislative Building, Olympia, Washington 98504-0000.

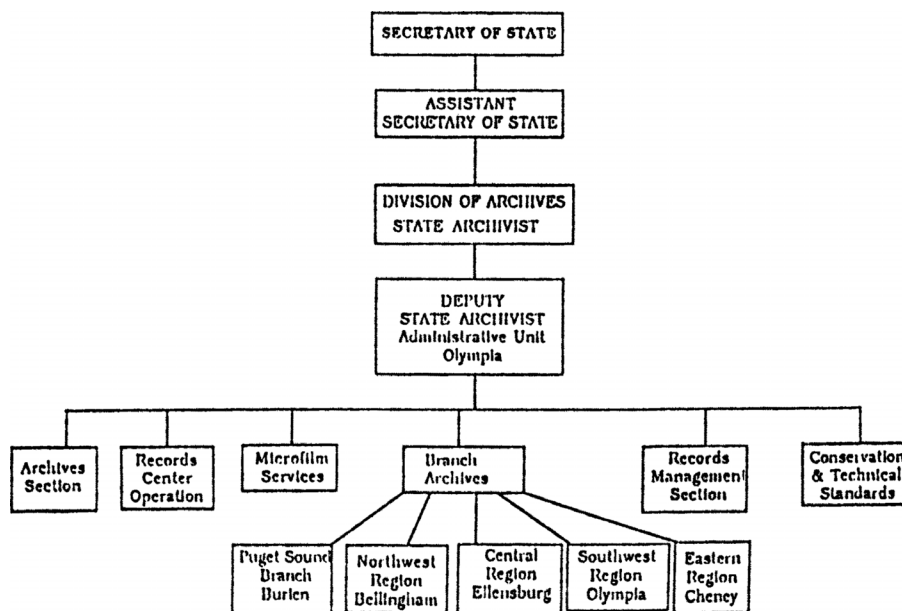
[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-130, filed 11/12/91, effective 12/13/91.]

WAC 434-690-140 Adoption of form. The division hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix B entitled "Request for public record."

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-140, filed 11/12/91, effective 12/13/91.]

WAC 434-690-990 Appendix A—Management organization chart of state archivist.

APPENDIX A



[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-990, filed 11/12/91, effective 12/13/91.]

WAC 434-690-99001 Appendix B—Form—Request for public records.

APPENDIX B
REQUEST FOR PUBLIC RECORDS

Name of Requestor:
Address: Phone:
Date of Request: Time of Request:

Nature of Request:
1. Index Reference
.....
.....
.....
Signature

- For Office Use Only:
- | | | | |
|-----|--|-----------------------------------|----------------------------------|
| | | | Record |
| (1) | Request | Record | Withheld |
| | Granted <input type="checkbox"/> | Withheld <input type="checkbox"/> | In Part <input type="checkbox"/> |
| (2) | If withheld, name the exemption contained in RCW 42.17.310 which authorizes the withholding of the record or part of record: Subsection (1) (). | | |
| (3) | If withheld, briefly explain how the exemption applies to the record withheld. | | |
| (4) | If request granted, time, day | | |

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-99001, filed 11/12/91, effective 12/13/91.]