

Chapter 490-276 WAC

ACCESS TO PUBLIC RECORDS

WAC

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WAC 490-276-010 Purpose. The purpose of this chapter is to ensure that the workforce training and education coordinating board complies with the provisions of chapter 42.17 RCW dealing with public records.

[Statutory Authority: Chapter 28C.18 RCW. WSR 93-06-005, § 490-276-010, filed 2/18/93, effective 2/18/93.]

WAC 490-276-020 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 but not limited to, letters, words, pictures, sounds or symbols, combination thereof, and all papers, maps, magnetic or paper tapes, photographic files and prints, motion picture, film and video recordings, magnetic or punched cards, disks, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

(3) "The workforce training and education coordinating board" is an agency organized by statute pursuant to RCW 28C.18.020 and shall hereafter be referred to as the "board." Where appropriate, the term "board" also refers to the staff and employees of the board.

[Statutory Authority: Chapter 28C.18 RCW. WSR 93-06-005, § 490-276-020, filed 2/18/93, effective 2/18/93.]

WAC 490-276-030 Description of the workforce training and education coordinating board. (1) The workforce training and education coordinating board is a state agency established and organized under the authority of chapter 28C.18 RCW for the purpose of implementing the workforce training and education responsibilities established by the legislature in RCW 28C.18.060. The administrative office of the board is located at Building 17, Airdustrial Park, within the city of Olympia, Washington.

(2/18/93)

(2) The board employs an executive director and other employees as designated by the executive director. A detailed description of the administrative organization of the agency is contained within the *Policies and Procedures Manual* for the workforce training and education coordinating board, a current copy of which is available for inspection at the administrative office of the board.

[Statutory Authority: Chapter 28C.18 RCW. WSR 93-06-005, § 490-276-030, filed 2/18/93, effective 2/18/93.]

WAC 490-276-040 Operations and procedures. (1) Formal decision-making procedures are established by the board through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures of the agency are set forth in the *Policies and Procedures Manual* referred to under WAC 490-276-030(2).

[Statutory Authority: Chapter 28C.18 RCW. WSR 93-06-005, § 490-276-040, filed 2/18/93, effective 2/18/93.]

WAC 490-276-050 Public records available. All public records of the board, 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, 41.17.315, or other statutes.

[Statutory Authority: Chapter 28C.18 RCW. WSR 93-06-005, § 490-276-050, filed 2/18/93, effective 2/18/93.]

WAC 490-276-060 Public records officer. The board's public records shall be in the charge of the public records officer designated by the executive director of the board and shall be located in the board administrative office. The public records officer shall be responsible for the following: Implementation of the board's rules regarding release of public records, coordinating board employees in this regard, and generally ensuring compliance by board employees with the public records disclosure requirements in chapter 42.17 RCW.

[Statutory Authority: Chapter 28C.18 RCW. WSR 93-06-005, § 490-276-060, filed 2/18/93, effective 2/18/93.]

WAC 490-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the board. For purposes of this chapter, the customary office hours shall be from eight o'clock a.m. to noon and from one o'clock p.m. to five o'clock p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: Chapter 28C.18 RCW. WSR 93-06-005, § 490-276-070, filed 2/18/93, effective 2/18/93.]

WAC 490-276-080 Requests for public records. In accordance with the requirements of RCW 42.17.290 that

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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 upon a form prescribed by the board which shall be available at the board's administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the board's staff at the board administrative office 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 public records officer, a reference to the requested record as it is described in such current index; and
- (e) If the requested matter is not identifiable by reference to the 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 person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

[Statutory Authority: Chapter 28C.18 RCW. WSR 93-06-005, § 490-276-080, filed 2/18/93, effective 2/18/93.]

WAC 490-276-090 Copying. No fee shall be charged for the inspection of public records. The board may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records as provided by RCW 42.17.300. Such charges shall not exceed the amount necessary to reimburse the board for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate board official. All charges must be paid by money order, cashier's check, or cash in advance.

[Statutory Authority: Chapter 28C.18 RCW. WSR 93-06-005, § 490-276-090, filed 2/18/93, effective 2/18/93.]

WAC 490-276-100 Determination regarding exempt records. (1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 490-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310, 42.17.315, or other statute. Such determination may be made in consultation with the public records officer, the executive director of the board, or an assistant attorney general assigned to the board.

(2) Pursuant to RCW 42.17.260, the board reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental

interest: Provided, However, in each case, the justification for the deletion shall be explained fully in writing.

(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 request for a public record will be honored.

(4) All denials of a request for public records must be accompanied by a written statement, signed by the public records officer or his/her 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: Chapter 28C.18 RCW. WSR 93-06-005, § 490-276-100, filed 2/18/93, effective 2/18/93.]

WAC 490-276-110 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 executive director of the board, or his or her 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 executive director of the board, or his or her designee, shall complete such review.

(4) During the course of the review the executive director, or his or her designee, shall consider the obligations of the board 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 board 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: Chapter 28C.18 RCW. WSR 93-06-005, § 490-276-110, filed 2/18/93, effective 2/18/93.]

WAC 490-276-120 Protection of public records. Requests for public records shall be made at the administrative office of the board in Olympia, 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 490-276-090.

[Statutory Authority: Chapter 28C.18 RCW. WSR 93-06-005, § 490-276-120, filed 2/18/93, effective 2/18/93.]

WAC 490-276-130 Records index. (1) The board has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated 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 board 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 28C.18 RCW. WSR 93-06-005, § 490-276-130, filed 2/18/93, effective 2/18/93.]

WAC 490-276-140 Adoption of form. The agency has adopted and makes available a form for use by all persons requesting inspection and/or copying or copies of its public records. The form is available in the administrative office of the workforce training and education coordinating board in Olympia.

[Statutory Authority: Chapter 28C.18 RCW. WSR 93-06-005, § 490-276-140, filed 2/18/93, effective 2/18/93.]