

Chapter 183-05 WAC

PUBLIC RECORDS

WAC

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WAC 183-05-010 Purpose. The purpose of this chapter is to:

(1) Implement the public records provisions of chapter 42.56 RCW.

(2) Establish processes and procedures for both requestors and commission staff to follow that will assist members of the public to obtain full access to the commission's public records.

[Statutory Authority: RCW 43.03.305 through [43.03].310. WSR 11-19-024, § 183-05-010, filed 9/9/11, effective 10/10/11. Statutory Authority: RCW 43.03.300 through [43.03].310. WSR 09-12-077, § 183-05-010, filed 6/1/09, effective 7/2/09.]

WAC 183-05-020 Where and when public records may be obtained. The public may obtain public records by contacting the commission at its general mailing address, e-mail, fax, or in person. Requests may not be made by telephone.

(1) Mail. Requests by mail shall be addressed to the commission's mailing address: The Washington Citizens' Commission on Salaries for Elected Officials, c/o Public Records Officer, P.O. Box 43120, Olympia, WA 98504-3120. The front of the envelope shall conspicuously state: "Public Records Request."

(2) E-mail. The commission will accept public disclosure requests by e-mail. E-mail requests shall be sent to the commission by accessing the commission's web site at www.salaries.wa.gov and following the contact instructions for e-mail. E-mail requests shall contain the subject line "Public Records Request."

(3) Fax. The commission will accept public disclosure requests by fax. Fax requests shall be addressed to "The Washington Citizens' Commission on Salaries for Elected Officials, c/o Public Records Officer" with the subject line "Public Records Request" and sent to 360-586-7544.

(4) In person. The public can find out the commission's hours of operation by contacting the commission as described in WAC 183-03-030. Requests may be made in person at the commission's office at the address identified in WAC 183-03-030(3).

[Statutory Authority: RCW 43.03.300 through [43.03].310. WSR 09-12-077, § 183-05-020, filed 6/1/09, effective 7/2/09.]

WAC 183-05-030 Public records available. (1) The public may obtain public records of the commission under (9/9/11)

this chapter, in accordance with chapter 42.56 RCW, except as otherwise provided by law.

(2) Public records are available for inspection and copying by contacting the commission at its general mailing address, toll free number, fax, or e-mail as identified in WAC 183-03-030.

[Statutory Authority: RCW 43.03.300 through [43.03].310. WSR 09-12-077, § 183-05-030, filed 6/1/09, effective 7/2/09.]

WAC 183-05-040 Public records officer. The executive director shall serve as the commission's public records officer and shall have charge of its public records. The executive director shall be responsible for implementing the commission's public disclosure rules and for coordinating staff and employees in this regard. The executive director may choose such designees as may be appropriate.

[Statutory Authority: RCW 43.03.300 through [43.03].310. WSR 09-12-077, § 183-05-040, filed 6/1/09, effective 7/2/09.]

WAC 183-05-050 Requests for public records. Chapter 42.56 RCW requires the commission to prevent invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions and unreasonable disruptions of operations. Accordingly, the public may inspect, copy, or obtain copies of public records upon compliance with the following procedures:

(1) A member of the public who seeks a public record shall make a written request. No particular form of writing is required so long as the request complies with WAC 183-05-020 and contains the following additional information:

(a) The name, mailing address, and telephone number of the person requesting the record.

(b) The calendar date on which the request is made.

(c) Identification of the record requested with sufficient particularity that the commission can identify the requested record and make it available. Such identifying information might include the title, subject matter, and date of the record.

(d) A signed statement that the records will not be used for commercial purposes if a list of individuals is being requested, or for any other use prohibited by law.

(2) To facilitate processing the request, the person requesting the record may also include:

(a) Either a fax number or an e-mail address, or both.

(b) A reference to the record as it is described in the current public record index maintained by the commission.

(3) The public may make written public records requests to the commission by mail, fax, or e-mail in accordance with WAC 183-05-020. Members of the public making public records requests in person who have not reduced their request to writing shall be asked to complete a short form with the needed information. The purpose of requiring written

requests is to assist the commission in tracking, managing, and responding to requests in a timely and orderly fashion.

(4) The commission shall assist persons making public records requests to appropriately identify the public records being sought. The commission may ask the requesting party to clarify what information is being sought.

[Statutory Authority: RCW 43.03.300 through [43.03].310. WSR 09-12-077, § 183-05-050, filed 6/1/09, effective 7/2/09.]

WAC 183-05-060 Copying and fees. (1) Copying.

(a) The commission shall make copies on the commission's copy equipment when doing so will not unreasonably disrupt the operations of the commission or cause excessive interference with other essential functions or organizations with which the commission may share office space.

(b) Persons requesting public records may use their own copying equipment and paper without charge when the use of such equipment does not cause damage or disorganization to the public records, unreasonably impede the operations of the commission or cause excessive interference with other essential functions. The commission may supervise such copying at all times.

(2) Fees.

(a) The commission shall not charge a fee for locating documents, for making them available, or for inspection of public records by the public.

(b) The commission may impose a reasonable fee for providing copies of public records, for use of the commission's equipment, and for mailing costs, postage, delivery costs, and other costs directly incident to copying the records. The commission shall not charge fees that exceed the amount necessary to reimburse the commission for its actual costs.

(c) The commission shall not provide copies to requesting parties unless associated fees have been paid in full by cash, check, or money order. To ensure that copies requested and made are actually paid for, the commission may require payment prior to making the copies.

(d) The commission may agree to provide copies without fee to federal, state, local, or tribal governments, or to others, when doing so is in the best interest of the commission.

[Statutory Authority: RCW 43.03.300 through [43.03].310. WSR 09-12-077, § 183-05-060, filed 6/1/09, effective 7/2/09.]

WAC 183-05-070 Disclosure procedure. (1) The commission shall review the requested public records prior to disclosure.

(2) If the records do not contain materials exempt from public disclosure, the commission shall disclose the records.

(3) If the records contain materials exempt from public disclosure, the commission shall deny disclosure of the exempt materials and disclose any remaining, nonexempt materials. At the time of the denial, the commission shall clearly specify in writing the reasons for the denial, including a statement of the specific exemptions or reason for denial of disclosure.

[Statutory Authority: RCW 43.03.300 through [43.03].310. WSR 09-12-077, § 183-05-070, filed 6/1/09, effective 7/2/09.]

WAC 183-05-080 Review of denials of requests for public records. For the purpose of judicial review, final

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agency action is deemed to have occurred at the end of the second business day after the requesting party receives notification of a denial of inspection.

[Statutory Authority: RCW 43.03.300 through [43.03].310. WSR 09-12-077, § 183-05-080, filed 6/1/09, effective 7/2/09.]

WAC 183-05-090 Records index. (1) Availability. The commission shall maintain and make available for public inspection and copying an index that provides identifying information for public records falling within the requirements of chapter 42.56 RCW.

(2) Form and content. The index shall be maintained in electronic form with copies available on paper. The index shall contain topic and subtopic headings.

(3) Location and availability. The index shall be available to the public under the same rules and on the same conditions as are applied to other public records.

(4) Schedule for revisions and updates. The commission will revise and update the index biennially.

[Statutory Authority: RCW 43.03.300 through [43.03].310. WSR 09-12-077, § 183-05-090, filed 6/1/09, effective 7/2/09.]