

Chapter 417-02 WAC

PUBLIC RECORDS

WAC

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WAC 417-02-100 Purpose. The purpose of this chapter is to establish methods by which the commission will comply with the provisions of chapter 42.56 RCW dealing with public records.

[Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-02-100, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-17-078, § 417-02-100, filed 8/16/01, effective 9/4/01.]

WAC 417-02-105 Definitions. As used in this chapter:

(1) All words and phrases defined in chapter one of this title (WAC 417-01-120) and RCW 44.05.020 shall have the same meaning for the purposes of this chapter.

(2) "Public records" shall have the same meaning as defined in RCW 42.56.010.

[Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-02-105, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-17-078, § 417-02-105, filed 8/16/01, effective 9/4/01.]

WAC 417-02-110 Public records available. All public records of the commission are available for public inspection and copying pursuant to these rules except as otherwise provided in RCW 42.56.010 or other law.

[Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-02-110, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-17-078, § 417-02-110, filed 8/16/01, effective 9/4/01.]

WAC 417-02-115 Public records officer. The commission's public records shall be in the charge of the public records officer, who shall be the executive director of the commission. The public records officer shall be responsible for: Implementation of commission policy as to release of public records; authorizing release of records, which authorization shall be in writing; and ensuring staff compliance with the requirements of these rules and the requirements of chapter 42.56 RCW. The public records officer may designate in writing an assistant public records officer to perform the duties of public records officer when he or she is absent or unavailable.

[Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-02-115, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-17-078, § 417-02-115, filed 8/16/01, effective 9/4/01.]

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WAC 417-02-120 Hours for inspection. Public records shall be available for inspection and copying on Monday through Friday (except state holidays) from 9:00 a.m. until noon, and from 1:00 p.m. until 4:00 p.m. on all normal business days. All public records shall be located at the commission office described in WAC 417-01-125(1).

[Statutory Authority: RCW 44.05.080(1). WSR 01-17-078, § 417-02-120, filed 8/16/01, effective 9/4/01.]

WAC 417-02-125 Requests of public records. In accordance with chapter 42.56 RCW that agencies provide full public access to public records, prevent unreasonable invasion 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 procedure:

(1) A request to inspect or copy public records shall be made in writing or upon a form prescribed herein which shall be available at the commission's office. The written request or form shall be presented to the public records officer or designated assistant during the office hours established in this chapter. The written request or form shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time and date on which the request was made;
- (c) A specific identification or description of each requested record;
- (d) If the matter requested is referenced within the current index maintained by the commission, 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) The public records officer or designated assistant will ascertain whether the information requested is exempt from public inspection and copying as defined in RCW 42.56.210 or other law.

(3) Only after a determination has been made that all or such portion of a public record as is not deleted may be inspected, shall such public record or portion thereof be made available for inspection by a member of the public.

(4) In all cases, it shall be the obligation of the public records officer or designated assistant to:

- (a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;
- (b) Assist the member of the public in appropriately identifying the public record requested;
- (c) Protect and otherwise prevent damage to the public record being inspected and copied;
- (d) Prevent the disorganization of file folders or document containers; and

(e) Prevent excessive interference with the other essential functions of the commission.

(5) Only the staff and commissioners may open files to gain access to commission records.

(6) Original copies of public records of the commission may not be taken from the premises of the commission by a member of the public without being accompanied by staff or a commissioner.

(7) Public inspection and copying of commission records shall be done only in such locations as are approved by the public records officer or designated assistant at locations that must provide an opportunity for staff to ensure that no public record of the commission is damaged, destroyed, unreasonably disorganized, or removed from its proper location or order by a member of the public.

(8) Public records of the commission may be copied only on the copying machine of the commission unless the public records officer or designated assistant authorizes other arrangements.

[Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-02-125, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-17-078, § 417-02-125, filed 8/16/01, effective 9/4/01.]

WAC 417-02-130 Copying. No fee shall be charged for the inspection of public records. The commission shall charge for copies of public records and the use of commission copy equipment such amount as is necessary to reimburse the commission for its actual cost incident to such copying. The commission shall charge a fee of fifteen cents per page for copying 8.5" x 11" documents as established in RCW 42.56-120. The executive director shall establish other charges based upon actual costs for copying public records. Charges will not be assessed if the total cost involved in a particular request is less than one dollar. If the public records officer or designated assistant deems it more efficient to have copying done outside the office of the commission, the charges will be based on the actual cost of such outside copying service.

[Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-02-130, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-17-078, § 417-02-130, filed 8/16/01, effective 9/4/01.]

WAC 417-02-135 Exemptions. (1) The public records officer or designated assistant shall delete information from any record prior to permitting public inspection or copying if the information is exempt from disclosure pursuant to RCW 42.56.210 or other law. After such information is deleted, the remainder of the record shall be made available.

(2) To the extent allowed by law, the commission reserves the right to allow the public to inspect but not copy certain public records where there is reason to believe that the ability to copy such records would be a violation of copyright agreements, contracts, or census bureau or other governmental requirements.

(3) Pursuant to RCW 42.56.070, the commission reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.56 RCW. The public records officer or designated assistant will justify such deletion in writing.

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(4) 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 or information and a brief explanation of how the exemption applies to the records or information withheld.

[Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-02-135, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-17-078, § 417-02-135, filed 8/16/01, effective 9/4/01.]

WAC 417-02-140 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition the commission chair for prompt review of such decisions by rendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or designated assistant, which constituted or accompanied the denial.

(2) Immediately after receiving a written request or review of a decision denying a public record, the public records officer or designated assistant denying the request shall refer it to the commission chair. The chair shall immediately consider the matter and either affirm or reverse, in whole or in part, such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision from the chair or commission within two business days following the original denial, in accordance with RCW 42.56-520.

(3) Administrative remedies shall not be considered exhausted until the chair, or in the event of a special meeting scheduled to address the denial, the commission has returned the petition with a decision within two business days of the denial, or until the close of the second business day following the denial, whichever occurs first.

[Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-02-140, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-17-078, § 417-02-140, filed 8/16/01, effective 9/4/01.]

WAC 417-02-145 Protection of public records. (1) Records are available for inspection and copying at the location and during office hours identified in this chapter and WAC 417-01-125(1). Such inspection and copying may occur only in the presence of an authorized staff person of the commission and with the aid and assistance of such staff person.

(2) The viewing of those records that require specialized equipment shall be limited to the availability of that equipment located at the commission office and the availability of authorized staff to operate the equipment.

(3) The viewing of those public records that require specialized equipment shall be by appointment only. The request for an appointment shall be made on the request for public records form or other written format as provided in this chapter. Staff shall acknowledge such request for an appointment within three working days of the receipt of such request and will provide the requester with the date(s) that such an appointment could be kept by an authorized staff person or shall advise the requester that authorized staff is not available to operate the equipment for the purposes requested, giving the reasons therefor. If a request for a viewing appointment is

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submitted simultaneously with a request for the record, staff shall acknowledge the requests within five working days, unless staff advises the requesting party in writing that additional time is necessary to respond and to make an appointment with the requester.

[Statutory Authority: RCW 44.05.080(1). WSR 01-17-078, § 417-02-145, filed 8/16/01, effective 9/4/01.]

WAC 417-02-150 Request for public records form.

Copies of the "request for public records form" shall be made available at the commission offices. Requests for the form may be made in person, by letter, by telephone, by facsimile or by electronic means.

[Statutory Authority: RCW 44.05.080(1). WSR 01-17-078, § 417-02-150, filed 8/16/01, effective 9/4/01.]

WAC 417-02-155 Records index. (1) The commission shall implement a records index for the identification and location of official agency records. Those records which are considered exempt for the purposes of this chapter, RCW 42.56.210 and other law shall be noted on the index.

(2) The index shall be available for inspection and copying according to the provisions of WAC 417-02-120.

(3) The index shall be updated quarterly in those months when the commission is convened.

[Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-02-155, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-17-078, § 417-02-155, filed 8/16/01, effective 9/4/01.]