

Chapter 132J-276 WAC

PUBLIC RECORDS

WAC

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WAC 132J-276-010 Purpose. The purpose of this chapter shall be to ensure compliance by College District No. 10 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 28B.50.140 and 34.02.353 [34.05.353]. WSR 15-15-071, § 132J-276-010, filed 7/13/15, effective 8/13/15; Order 73-2, § 132J-276-010, filed 5/14/73.]

WAC 132J-276-020 Definitions. (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of governmental 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.** "Writing means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents."

(3) **College District No. 10.** College District No. 10 is an agency organized by statute pursuant to RCW 28B.50.040. College District No. 10 shall hereinafter be referred to as the "district." Where appropriate, the term district also refers to the staff and board of trustees employees of the district.

[Statutory Authority: RCW 28B.50.140 and 34.02.353 [34.05.353]. WSR 15-15-071, § 132J-276-020, filed 7/13/15, effective 8/13/15; Order 73-2, § 132J-276-020, filed 5/14/73.]

WAC 132J-276-030 Description of central and field organization of College District No. 10. District No. 10 is a college district organized under RCW 28B.50.040. The administrative office of the district and its staff are located at Green River College, 12401 S.E. 320th Street, Auburn, Washington 98002.

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[Statutory Authority: RCW 28B.50.140 and 34.02.353 [34.05.353]. WSR 15-15-071, § 132J-276-030, filed 7/13/15, effective 8/13/15; Order 73-2, § 132J-276-030, filed 5/14/73.]

WAC 132J-276-040 Operations and procedures. The district is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college district is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members each appointed by the governor to a term of five years. The trustees meet the third Thursday of each month at 4:00 p.m. in the administration building board room of Green River College, unless public notice is given of a special meeting. At such time the trustees exercise the powers and duties granted it under RCW 28B.50.140.

[Statutory Authority: RCW 28B.50.140 and 34.02.353 [34.05.353]. WSR 15-15-071, § 132J-276-040, filed 7/13/15, effective 8/13/15; Order 73-2, § 132J-276-040, filed 5/14/73.]

WAC 132J-276-050 Public records available. All public records of the district, as defined in WAC 132J-276-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 132J-276-100.

[Order 73-2, § 132J-276-050, filed 5/14/73.]

WAC 132J-276-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the college president. The person so designated shall be located in the administrative office of the district. The public records officer shall be responsible for the following: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

[Order 73-2, § 132J-276-060, filed 5/14/73.]

WAC 132J-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Order 73-2, § 132J-276-070, filed 5/14/73.]

WAC 132J-276-080 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973 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

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records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the district's administrative staff, if the public records officer is not available, at the administrative office of the district 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 district's 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 staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Order 73-2, § 132J-276-080, filed 5/14/73.]

WAC 132J-276-090 Copying. No fee shall be charged for the inspection of public records. The district shall charge a fee of 10¢ per page of copy for providing copies of public records and for use of the district's copy equipment. This charge is the amount necessary to reimburse the district for its actual costs incident to such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the district will provide copies at a rate sufficient to cover any additional cost. All fees must be paid by money order, cashier's check or cash in advance.

[Order 73-2, § 132J-276-090, filed 5/14/73.]

WAC 132J-276-100 Exemptions. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132J-276-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the district reserves the right to redact 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 1, Laws of 1973. The public records officer will fully justify such redaction 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 records withheld.

[Statutory Authority: RCW 28B.50.140 and 34.02.353 [34.05.353]. WSR 15-15-071, § 132J-276-100, filed 7/13/15, effective 8/13/15; Order 73-2, § 132J-276-100, filed 5/14/73.]

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WAC 132J-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 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 administrative staff member denying the request shall refer to the president of the college. The president or designee shall immediately consider the matter and either affirm or reverse such denial or consult with the attorney general to review the 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 district 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 28B.50.140 and 34.02.353 [34.05.353]. WSR 15-15-071, § 132J-276-110, filed 7/13/15, effective 8/13/15; Order 73-2, § 132J-276-110, filed 5/14/73.]

WAC 132J-276-120 Protection of public records. Requests for public records shall be made in the administrative building of Green River College. 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 for their inspection. Copies shall be made at Green River College. If copying facilities are not available at the college, the college will arrange to have copies made commercially according to the provisions of WAC 132J-276-090.

[Statutory Authority: RCW 28B.50.140 and 34.02.353 [34.05.353]. WSR 15-15-071, § 132J-276-120, filed 7/13/15, effective 8/13/15; Order 73-2, § 132J-276-120, filed 5/14/73.]

WAC 132J-276-130 Records index. (1) **Index.** The district has available to all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated since June 30, 1972.

"(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

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or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party."

(2) **Availability.** The current index promulgated by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order 73-2, § 132J-276-130, filed 5/14/73.]

WAC 132J-276-140 Adoption of form. The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached herein as Appendix A [WAC 132J-276-900], entitled "request for public record."

[Order 73-2, § 132J-276-140, filed 5/14/73.]

WAC 132J-276-900 Appendix "A"—Request for public record to College District No. 10.

APPENDIX "A"
REQUEST FOR PUBLIC RECORD TO
COLLEGE DISTRICT NO. 10

(a)
Signature Signature (Please Print)

.....
Name of Organization, if Applicable

.....
Mailing Address of Applicant Phone Number

(b)
Date Request Made at Time of Day
College District No. 10 Request Made

(c) Nature of Request
.....
.....

(d) Identification Reference on Current Index
Please Describe

.....
.....
.....

(e) Description of Record, or Matter, Requested if not Identifiable by Reference to College District No. 10's Current Index

.....
.....
.....

Request: ApprovedBy
Date Public Records Officer

Denied Date

Reasons for Denial
.....
.....

Referred toBy
Date Public Records Officer

[Statutory Authority: RCW 28B.50.140 and 34.02.353 [34.05.353]. WSR 15-15-071, § 132J-276-900, filed 7/13/15, effective 8/13/15; Order 73-2, Appendix A (codified as WAC 132J-276-900), filed 5/14/73.]