Chapter 284-03 WAC
PUBLIC RECORDS

WAC

PUBLIC RECORDS REQUESTS

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284-03-050 Will the OIC review the denial of my request? [Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-050, filed 7/21/04, effective 8/21/04; Order R-75-1, § 284-03-050, filed 5/19/75.] Repealed by WSR 12-03-087 (Matter No. R 2011-15), filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060 and 42.56.040.
284-03-055 What are the fees to copy or inspect records? [Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-055, filed 7/21/04, effective 8/21/04.] Repealed by WSR 12-03-087 (Matter No. R 2011-15), filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060 and 42.56.040.
284-03-060 What records can I inspect and/or copy? [Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-060, filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.02.160, 42.17.260 and 34.05.220. WSR 90-18-037 (Order R 90-9), § 284-03-060, filed 8/28/90, effective 9/28/90; Order R-75-1, § 284-03-060, filed 5/19/75.] Repealed by WSR 12-03-087 (Matter No. R 2011-15), filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060 and 42.56.040.
284-03-065 When can I inspect or copy documents? [Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-065, filed 7/21/04, effective 8/21/04.] Repealed by WSR 12-03-087 (Matter No. R 2011-15), filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060 and 42.56.040.
284-03-070 Do I need to make an appointment? [Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-070, filed 7/21/04, effective 8/21/04; Order R-75-1, § 284-03-070, filed 5/19/75.] Repealed by WSR 12-03-087 (Matter No. R 2011-15), filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060 and 42.56.040.
284-03-075 Can I take original records away from the OIC's office? [Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-075, filed 7/21/04, effective 8/21/04.] Repealed by WSR 12-03-087 (Matter No. R 2011-15), filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060 and 42.56.040.
284-03-080 Requests for public records. [Order R-75-1, § 284-03-080, filed 5/19/75.] Repealed by WSR 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250.
284-03-090 Copying fees. [Statutory Authority: RCW 42.17.250 and 42.17.300. WSR 79-08-024 (Order R 79-4), § 284-03-090, filed 7/12/79; Order R-75-1, § 284-03-090, filed 5/19/75.] Repealed by WSR 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250.
284-03-100 If I make a complaint or inquiry, how will the OIC use that information? [Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-100, filed 7/21/04, effective 8/21/04; Order R-75-1, § 284-03-100, filed 5/19/75.] Repealed by WSR 12-03-087 (Matter No. R 2011-15), filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060 and 42.56.040.
284-03-105 Will the OIC protect my personal information? [Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-105, filed 7/21/04, effective 8/21/04.] Repealed by WSR 12-03-087 (Matter No. R 2011-15), filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060 and 42.56.040.
284-03-110 Review of denials of public records request. [Order R-75-1, § 284-03-110, filed 5/19/75.] Repealed by WSR 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250.
284-03-120 Protection of public records. [Order R-75-1, § 284-03-120, filed 5/19/75.] Repealed by WSR 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250.
284-03-130 Consumer complaints and inquiries. [Order R-75-1, § 284-03-130, filed 5/19/75.] Repealed by WSR 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250.
284-03-140 Adoption of forms. [Order R-75-1, § 284-06-140 (codified as WAC 284-03-140), filed 5/19/75.] Repealed by WSR 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250.
284-03-990 Form 276-1—Request for inspection of records. [Order R-75-1, Form 276-1 (codified as WAC 284-03-990), filed 5/19/75.] Repealed by WSR 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250.
284-03-99001 Form 276-2—Request for photocopy of record(s). [Order R-75-1, Form 276-2 (codified as WAC 284-03-99001), filed 5/19/75.] Repealed by WSR 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250.

PUBLIC RECORDS REQUESTS

WAC 284-03-005 Authority and purpose. (1) The purpose of these rules is to establish the procedures the office of the insurance commissioner (OIC) will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the OIC and establish processes for both request-

ors and OIC staff that are designed to best assist members of the public in obtaining such access.

(2) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of persons' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the OIC will be guided by the provisions of the act describing its purposes and interpretation.

[Statutory Authority: RCW 48.02.060 and 42.56.040. WSR 12-03-087 (Matter No. R 2011-15), § 284-03-005, filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-005, filed 7/21/04, effective 8/21/04.]

WAC 284-03-010 Agency description—Contact information—Public records manager. (1) The OIC's central office is located at Tumwater, Washington. The OIC has field offices in Seattle and Spokane.

(2) Any person wishing to request access to public records of the OIC, or seeking assistance in making such a request should contact the OIC public records manager at:

Public Records Manager
Office of the Insurance Commissioner
5000 Capitol Boulevard S.E.
Tumwater, WA 98501
pdr@oic.wa.gov
360-725-7003
fax 360-664-2782

Information is also available at the insurance commissioner's web site at www.insurance.wa.gov.

(3) The public records manager will oversee compliance with the act but other OIC staff members may process the request. Therefore, these rules will refer to the public records manager "or designee." The public records manager or designee and agency staff will provide the "fullest assistance" to requestors, create and maintain for use by the public an index to public records of the OIC, ensure that public records are protected from damage or disorganization, and prevent fulfilling public records requests from causing excessive interference with essential functions of the agency.

[Statutory Authority: RCW 48.02.060 and 42.56.040. WSR 12-03-087 (Matter No. R 2011-15), § 284-03-010, filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-010, filed 7/21/04, effective 8/21/04; Order R-75-1, § 284-03-010, filed 5/19/75.]

WAC 284-03-015 Availability of public records. (1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the OIC, Monday through Friday, 8:00 a.m. to 5:00 p.m. (excluding legal holidays). Records must be inspected at the offices of the OIC.

(2) **Records index.** An index for categories of public records is available for use by members of the public upon request to the public records manager.

(3) **Organization of records.** The OIC will maintain its records in a reasonably organized manner. The OIC will take reasonable actions to protect records from damage and disorganization. A requestor shall not take records from OIC offices without the permission of the public records manager or designee. A variety of records is available on the OIC web site at www.insurance.wa.gov. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) **Making a request for public records.**

(a) Any person wishing to inspect or copy public records of the OIC should make the request in writing on the agency request form, by letter, fax, or e-mail addressed to the public records manager and should include the following information:

(i) Name of requestor;

(ii) Address of requestor;

(iii) Other contact information, including telephone number and e-mail address;

(iv) Identification of the public records adequate for the public records manager or designee to locate the records.

(b) A form is available for use by requestors. The form is available either on the OIC's web site: www.insurance.wa.gov or by contacting the public records manager by e-mail at pdr@oic.wa.gov or by phone at 360-725-7003;

(c) The public records manager or designee may accept requests for public records that contain the information described in (a) of this subsection by telephone or in person. When the public records manager or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

[Statutory Authority: RCW 48.02.060 and 42.56.040. WSR 12-03-087 (Matter No. R 2011-15), § 284-03-015, filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-015, filed 7/21/04, effective 8/21/04.]

WAC 284-03-020 Retention of records. The retention and lawful destruction of OIC records are governed by the retention schedules approved by the state records committee. The most current version of the state government general records retention schedule can be found on the secretary of state's web site www.sos.wa.gov. Retention schedules specific to the OIC are available from the public records manager upon request. The records maintained by the OIC will be regularly destroyed in accordance with the state retention schedule applicable to the OIC unless otherwise required to be held for a longer period of time pursuant to directives to the OIC to hold any such records under applicable federal or state rules of civil procedure governing discovery of documents and things in litigation or other legal proceedings.

[Statutory Authority: RCW 48.02.060 and 42.56.040. WSR 12-03-087 (Matter No. R 2011-15), § 284-03-020, filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-020, filed 7/21/04, effective 8/21/04; Order R-75-1, § 284-03-020, filed 5/19/75.]

WAC 284-03-025 Processing of public records requests—General. (1) **Providing "fullest assistance."** The OIC is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records manager or designee will pro-

cess requests in the order allowing the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records manager will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) Provide a reasonable estimate of when records will be available;

(c) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records manager or designee may revise the estimate of when records will be available; or

(d) Deny the request.

(3) **Lack of acknowledgment.** If the OIC does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records manager to determine the reason for the failure to respond.

(4) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records manager may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) **No requirement to create record.** The Public Records Act requires the OIC to provide access to existing, identifiable public records in the agency's possession. There is no requirement for the agency to gather and/or organize records to create a public record that does not exist at the time of the request.

(6) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the OIC believes that a record is exempt from disclosure and should be withheld, the public records manager will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records manager will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(7) **Providing records in installments.** When the request is for a large number of records, the public records manager or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records manager or designee may stop searching for the remaining records and close the request.

(8) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations, the public records manager will close the request and indicate to the requestor that the OIC has closed the request.

(9) **Later discovered documents.** If, after the OIC has informed the requestor that it has provided all available records, the agency becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

[Statutory Authority: RCW 48.02.060 and 42.56.040. WSR 12-03-087 (Matter No. R 2011-15), § 284-03-025, filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-025, filed 7/21/04, effective 8/21/04.]

WAC 284-03-030 Exemptions. (1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions found specifically in the insurance code (Title 48 RCW), that restrict the availability of some documents held by the OIC for inspection and copying:

(a) Medical malpractice - Closed claim reports - Annual reports, RCW 48.140.040 and 48.140.050.

(b) Confidentiality of documents, materials, or other information, RCW 48.02.065.

(c) Insurer's risk-based capital reports, RCW 48.05.510 through 48.05.535.

(d) Insurance fraud, RCW 48.30A.045 through 48.30A.-065 and 48.135.060.

(e) Documents, materials, or information about insurer's transactions with affiliates, RCW 48.31B.015 (2)(l) and (m), 48.31B.025, and 48.31B.030.

(f) Documents, materials, or other information in the possession or control of the commissioner that are obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to RCW 48.31B.035.

(g) Material acquisitions or disposition information, RCW 48.43.200, 48.44.530 through 48.44.555, and 48.46.-600 through 48.46.625.

(h) Service contract provider's annual reports, RCW 48.110.040.

(i) Statistical summaries, RCW 48.140.040.

(2) The OIC is prohibited by statute from disclosing lists of individuals for commercial purposes.

This list is **for informational purposes** only and a failure to list an exemption **shall not affect the efficacy of any exemption.**

[Statutory Authority: RCW 48.02.060, 48.31B.040, chapter 48.31B RCW, and 2015 c 122. WSR 15-22-062 (Matter No. R 2015-05), § 284-03-030, filed 10/30/15, effective 1/1/16. Statutory Authority: RCW 48.02.060 and 42.56.040. WSR 12-03-087 (Matter No. R 2011-15), § 284-03-030, filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-030, filed 7/21/04, effective 8/21/04; Order R-75-1, § 234-03-030 (codified as WAC 284-03-030), filed 5/19/75.]

WAC 284-03-035 Agency rules for copy charges. (1) **No fees for costs of inspection.** There is no fee for inspecting public records held by the OIC.

(2) **Standard photocopy charges.** Unless otherwise requested, the OIC provides electronic copies of responsive documents in a portable document format (pdf). A requestor

may obtain standard 8.5 x 11, black and white photocopies of responsive documents. The OIC will not charge a requestor for electronic copies, or for paper copies of fewer than one hundred pages. For copy requests of one hundred pages or more, the OIC will charge three dollars and fifty cents for the first one hundred and seventeen cents for each additional page. A statement of the factors and the manner used to determine this charge is available from the public records manager.

(3) **Use of outside vendor.** The OIC may use an outside vendor for nonstandard copies or for voluminous requests if an outside vendor can make copies more quickly and less expensively than the OIC. In the event an outside vendor is used, the requestor may be charged the actual costs billed by the vendor.

(4) **Costs of mailing.** The OIC may also charge the requestor for the actual costs of mailing, including the cost of the shipping container.

[Statutory Authority: RCW 48.02.060 and 42.56.040. WSR 12-03-087 (Matter No. R 2011-15), § 284-03-035, filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-035, filed 7/21/04, effective 8/21/04.]

WAC 284-03-040 Review of denials of public records. (1) **Petition for internal administrative review of denial of access.** Any requestor who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records manager for a review of that decision. The petition should include a copy of the OIC denial, or reasonably identify the written statement by the public records manager or designee denying the request.

(2) **Review by the attorney general's office.** If the OIC denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter.

(3) **Judicial review.** Any requestor may obtain court review of denials of public records requests at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

[Statutory Authority: RCW 48.02.060 and 42.56.040. WSR 12-03-087 (Matter No. R 2011-15), § 284-03-040, filed 1/15/12, effective 2/15/12. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. WSR 04-15-157 (Matter No. R 2003-10), § 284-03-040, filed 7/21/04, effective 8/21/04; Order R-75-1, § 284-03-040, filed 5/19/75.]