

Chapter 308-10 WAC

PUBLIC RECORDS DISCLOSURE

WAC

308-10-005	Authority and purpose.
308-10-010	Definitions.
308-10-015	Location of administrative office.
308-10-020	Operations and procedures.
308-10-025	Public records available.
308-10-030	Public records officer.
308-10-040	Requests for public records.
308-10-041	Processing of public records requests—General.
308-10-042	Processing of public records requests—Electronic records.
308-10-045	Costs of providing copies of public records.
308-10-050	Exemptions.
308-10-055	Review of denials of public records.
308-10-060	Protection of public records.
308-10-065	Records index.
308-10-067	Public records indexing system.
308-10-070	Communications with department.
308-10-075	Disclosure of vehicle owner information.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-10-035	Office hours. [Order MV 348, § 308-10-035, filed 12/24/75.] Repealed by WSR 06-16-039, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110.
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WAC 308-10-005 Authority and purpose. (1) RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to include 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 the agency.

(2) The purpose of these rules is to establish the procedures the department of licensing 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 department of licensing and establish processes for both requestors and the department of licensing staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' 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 department of licensing will be guided by the provisions of the act describing its purposes and interpretation.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-005, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-005, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 92-09-107, § 308-10-005, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-005, filed 12/24/75.]

WAC 308-10-010 Definitions. (1) The definitions set forth in RCW 42.56.010 shall apply to this chapter.

(9/30/14)

(2) "Commercial purpose" means using or intending to use information for the purpose of facilitating a profit expecting business activity.

(3) The "department of licensing" is the agency created pursuant to chapter 46.01 RCW. The department of licensing shall hereinafter be referred to as the department. Where appropriate, the term department also refers to the staff and employees of the department of licensing.

(4) "Designee" is a department employee authorized by the public records officer to receive and respond to a public records request.

(5) "Director" means the director of the department of licensing as appointed by the governor.

(6) "Individual" means a natural person.

(7) "Legitimate business," for purposes of RCW 46.12.630, means a company with a valid and unexpired business license that is:

(a) A licensed Washington business; or

(b) Not required to be licensed in this state, but has a federal employer identification number, federal tax number, or uniform business identifier (UBI).

(8) "Listing (list)" means an item-by-item series of names, figures, words, or numbers written or printed one after the other.

(9) "Profession" when applied to department records, or the release of department record information, means any state regulated business, profession or occupation administered by the assistant director, business and professions division.

[Statutory Authority: RCW 46.01.110 and 46.12.630. WSR 14-20-101, § 308-10-010, filed 9/30/14, effective 10/31/14. Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-010, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-010, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 46.01.110. WSR 99-17-031, § 308-10-010, filed 8/11/99, effective 9/11/99. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-010, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-010, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-010, filed 12/24/75.]

WAC 308-10-015 Location of administrative office.

The administrative office of the department and its director and staff is located in the Highways-Licenses Building, 1125 Washington Street Southeast, Olympia 98504. The administrative office of the public records officer is located at 8005-A River Drive Southeast, Olympia 98501.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-015, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.250. WSR 92-09-107, § 308-10-015, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-015, filed 12/24/75.]

WAC 308-10-020 Operations and procedures.

(1) The department is organized under a director, deputy director, chief financial officer, chief information officer and three assistant directors. Each assistant director and officer is delegated authority to act in a specific functional area. The five

major functional components are: Driver and vehicle services, driver policy and programs, finance and administration division, information services, and business and professions division.

(2) The director of the department is appointed by the governor, with consent of the senate, and holds office at the pleasure of the governor.

(a) Subject to statutory limitations the director has complete charge of the department. The director may delegate any power or duty vested in the office to any assistant or subordinate, but remains responsible for the official acts of the officers and employees.

(b) By the specific powers of legislation and delegation the director is charged with the responsibility and authority to act and direct in the following areas:

(i) Efficiently administer the laws pertaining to licensing of vehicles, vehicle operators, professions, occupations, real estate, vessels, and businesses.

(ii) Adopt and enforce rules consistent with, and necessary to carry out, the provisions of existing laws.

(c) Each assistant director and officer reports directly to the deputy director, unless otherwise prescribed.

(d) Unless specifically delegated the director shall establish and maintain relationships with the state's executive offices, legislature, and other state agencies, other states and other states' agencies, agencies of the federal government, state and national associations, local and municipal governments, boards and commissions, and the press.

(e) The director shall have direct authority over matters pertaining to public information, research, and legal issues.

(3) The assistant director, driver and vehicle services, has authority to act in the following areas:

(a) Administer laws pertaining to:

(i) Vehicle and vessel licensing and excise tax programs;

(ii) Fuel tax programs;

(iii) Proration and reciprocity programs;

(iv) Vehicle and vessel dealer, manufacturer licensing and inspection programs;

(v) Miscellaneous vehicle licensing programs including: Transporters, wreckers, hulk haulers, abandoned vehicles, tow truck operators, scrap processors, snowmobile and ORV vehicle dealers; and

(vi) Driver licensing and nondriver identification card programs.

(b) Adopt and enforce rules and standards to carry out the provisions of existing law.

(c) Administer the licensing functions of county auditors, and licensing agents who have been appointed by county auditors to act on behalf of the department.

(4) The assistant director, driver policy and programs, has authority to act in the following areas:

(a) Administer the laws pertaining to driver licensing, financial responsibility, and driver improvement;

(b) Adopt and enforce rules and standards to carry out the provisions of existing law.

(5) The assistant director, business and professions division, has authority to act in the following areas:

(a) Administer the laws in conjunction with appointed boards pertaining to the following professions, occupations, and businesses:

Appraisers
Architects
Auctioneers
Bail bonds
Boxing
Camping resorts
Cemeteries
Collection agencies
Cosmetologists
Court reporters
Driver training schools
Employment agencies
Engineers
Firearms
Funeral directors
Geologists
Home inspectors
Land surveyors
Landscape architects
Limousines
Martial arts
Notaries public
On-site wastewater treatment
Real estate
Private investigators
Security guards
Sellers of travel
Timeshares
Tattoo and body piercing
Vehicle for hire (includes taxis)
Wrestling
Uniform commercial code (UCC)

(i) The assistant director of the business and professions division helps administer the laws in conjunction with appointed boards, who exercise administrative and regulatory functions. Those boards are as follows:

Real Estate Appraiser Commission
Board of registration for architects
Board of funeral directors and embalmers
Cemetery licensing board
Collection agency board
Cosmetology, barbering, esthetics, and manicuring advisory board
Professional engineers and land surveyors board
Landscape architect board
Real estate commission
On-site wastewater design advisory committee
Geologist licensing board

(ii) Correspondence to these boards should be directed to the program units for the boards.

(b) Adopt and enforce the rules, regulations and standards in conjunction with appointed boards to carry out the provisions of existing laws.

(c) Establish and maintain relationships with commissions, boards, societies, associations, and agencies both external and internal to this state in order to enhance the department's capability for recommending improvements in legislation, rules, or regulations relative to professions, occupations, or businesses.

(d) Administer the laws pertaining to Uniform Commercial Code, business licensing and registration.

(6) The chief financial officer, finance and administration division, has authority to act in the following areas:

(a) Develop, promote, and direct department activities and programs which relate to:

- (i) Budget and management systems;
- (ii) Supply and equipment procurement;
- (iii) Records management;
- (iv) Fiscal and revenue accounting;
- (v) Contracts;
- (vi) Safety and risk management;
- (vii) Facilities;
- (viii) Customer service center operations;
- (ix) Transportation;
- (x) Commute trip reduction;
- (xi) Sustainability;
- (xii) Public records disclosure;
- (xiii) Mail center operations;

(b) Organize, provide, and manage integrated staff services to best serve the overall interests of the department.

(7) The chief information officer, information services, has the authority to act in the following areas:

(a) Develop, promote, coordinate, and direct department activities which relate to the automated processing of data.

(b) Consult and work with other state agencies in structuring and phase-in of interagency related programs.

(c) Develop and implement a formal problem reporting system.

(8) The department conducts informal and formal proceedings in areas of its statutory authority as related in WAC 308-10-020. These proceedings are governed by chapters 34.05, 42.30 and 43.24 RCW, except that the denial, suspension, or revocation of drivers' licenses are not subject to provisions of chapter 34.05 RCW, the Administrative Procedure Act, other than those actions taken pursuant to chapter 46.29 RCW. The department has adopted rules in Title 308 WAC.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-020, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-020, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-020, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-020, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-020, filed 12/24/75.]

WAC 308-10-025 Public records available. All public records of the department are deemed to be available for public inspection and copying during normal business hours pursuant to these rules, except as otherwise provided by chapters 42.56 and 46.12 RCW, WAC 308-10-050 and 308-93-087. For the purposes of this chapter, the normal business 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.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-025, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-025, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-025, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-025, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-025, filed 12/24/75.]

WAC 308-10-030 Public records officer. The department's public records officer shall be designated by the direc-

(9/30/14)

tor and is the point of contact for public records requests. The person so designated shall be located in the administrative office mentioned in WAC 308-10-015. The public records officer shall be responsible for the following: The implementation of the department's rules regarding release of public records, coordinating the staff of the department in this regard, maintaining, keeping current, and publishing an index of all agency records and ensuring compliance with the public records disclosure act requirements.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-030, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-030, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-030, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-030, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-030, filed 12/24/75.]

WAC 308-10-040 Requests for public records. In accordance with requirements of chapter 42.56 RCW, 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 records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon the department's public records request form or by letter, fax, or e-mail addressed to the public records officer or designee where the record is held. The request shall include the following information:

- (a) The name and address of the person requesting the record.
- (b) The calendar date on which the request is made.
- (c) The nature of the request.
- (d) A reference to the requested record as it is described in the current department record index.

Note: If the material is not identifiable by reference to the department's current index, an accurate description of the record is required.

(e) The signature and other contact information including telephone number and any e-mail address. A signature is not required for requests submitted by e-mail.

(f) If for a "motor vehicle record" as defined in 18 U.S.C. 2725, a statement of the allowable use under 18 U.S.C. 2721 that will be made of the requested record.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

(3) Persons authorized by law to obtain lists of names of individuals from public records will be required to complete a statement agreeing not to release or use the information for commercial purposes.

(4) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records under WAC 308-10-045.

(5) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm, in writ-

ing, receipt of the information and the substance of the request.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-040, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-040, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-040, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-040, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-040, filed 12/24/75.]

WAC 308-10-041 Processing of public records requests—General. (1) Providing "fullest assistance." The department 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 officer or designee will process 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 officer or designee will do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) If copies are requested and payment for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- (c) Provide a reasonable estimate of when records will be available; or

(d) 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 in a letter, by telephone or e-mail. The public records officer or designee may revise the estimate of when records will be available; or

- (e) Deny the request.

(3) Consequences of failure to respond. If the department does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer or designee 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 officer 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) Inspection of records.

(a) Consistent with other demands, the department shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the department's notification to him or her that the records are available for inspection or

copying. The department will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the department to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the department may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(6) Providing copies of records. After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(7) Providing records in installments. When the request is for a large number of records, the public records officer 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 officer or designee may stop searching for the remaining records and close the request.

(8) Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the department has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(9) Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer or designee will close the request and indicate to the requestor that the department has closed the request.

(10) Later discovered documents. If, after the department has informed the requestor that it has provided all available records, the department 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 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-041, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-041, filed 7/26/06, effective 8/26/06.]

WAC 308-10-042 Processing of public records requests—Electronic records. (1) Requesting electronic records. The process for requesting electronic public records is the same as for requesting paper public records.

(2) Providing electronic records. The public records officer or designee will provide the nonexempt records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps its records.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-042, filed 4/27/10, effective 5/28/10.]

WAC 308-10-045 Costs of providing copies of public records. (1) No fee shall be charged for the inspection of public records. The department shall charge a fee in the

amount necessary to reimburse the department for its actual costs incident to providing copies of public records. The schedule of charges is:

ITEM	FEE
Copies produced on copying and duplicating equipment including scanning	15 cents per page
Computer generated listing, magnetic tapes or labels	Cost of services and media
Microfilm copies	75 cents per page
Postal charges	May be added to any copy of a public record if applicable
Compact discs	Cost

(2) Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The department will not charge sales tax when it makes copies of public records.

(3) Payment may be made by check or money order to the department.

(4) When it is in the fiscal and administrative interest of the state, the public records officer or designee may waive charges of \$4.50 or less.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-045, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-045, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 46.01.110 and 42.17.260. WSR 99-09-045, § 308-10-045, filed 4/19/99, effective 5/20/99. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-045, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-045, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-045, filed 12/24/75.]

WAC 308-10-050 Exemptions. (1) The department may determine that a public record requested is exempt under the provisions of chapter 42.56 RCW. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure.

(2) Under RCW 42.56.210, the department may delete 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 42.56 RCW.

(3) The department will not release personal or highly restricted information, as defined in 18 U.S.C. 2725 (4), from records pertaining to motor vehicle operator's licenses and permits, motor vehicle titles, motor vehicle registrations, and identification cards, unless the release both is considered a permissible use under 18 U.S.C. 2721 and is otherwise permitted by state law. In construing 18 U.S.C. 2721 (b)(2), the release of personal information for use in connection with matters of motor vehicle safety or driver safety shall be deemed to include the physical safety of persons as drivers, passengers or pedestrians and their motor vehicles or property.

(9/30/14)

(4) All denials of requests for public records will be accompanied by a written statement specifying the reason for the deletion or 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 record withheld.

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

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-050, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-050, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 46.01.110. WSR 97-17-009, § 308-10-050, filed 8/7/97, effective 9/13/97. Statutory Authority: RCW 42.17.250. WSR 92-09-107, § 308-10-050, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-050, filed 12/24/75.]

WAC 308-10-055 Review of denials of public records.

(1) Petition for internal administrative review of denial of access. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) Consideration of petition for review. The public records officer shall promptly provide the petition and any other relevant information to the manager of administration, finance and administration division. That person will immediately consider the petition and either affirm or reverse the denial within ten business days following the department's receipt of the petition, or within such other time as the department and the requestor mutually agree to.

(3) Review by the attorney general's office. Pursuant to RCW 42.56.530, if the department 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. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Judicial review. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-055, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-055, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 92-09-107, § 308-10-055, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-055, filed 12/24/75.]

WAC 308-10-060 Protection of public records. The department is primarily a licensing agency. The records consist mainly of operational files that are subject to high usage. In order to ensure that essential functions of the agency are continually carried out, and the public records are not damaged, altered, disorganized, or lost, access to the record storage areas is restricted. Public records will be inspected in the offices in which they are filed and maintained. Inspection shall be in the presence of an authorized department staff employee. Inspection shall be denied and the records will be withdrawn if the individual inspecting the records is doing so in a manner to damage, alter, or substantially disorganize them. Inspection shall be denied and records withdrawn if the

individual inspecting the records attempts to remove them from the prescribed location or is excessively interfering or will unduly interfere with other essential functions of the department.

[Statutory Authority: RCW 42.17.250, WSR 92-09-107, § 308-10-060, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-060, filed 12/24/75.]

WAC 308-10-065 Records index. (1) Index. The department has available to all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated since its inception:

- (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 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, and 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) Availability. The current index promulgated by the department 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 MV 348, § 308-10-065, filed 12/24/75.]

WAC 308-10-067 Public records indexing system. (1) The department has implemented a system of indexing for identification and location of the following records:

- (a) All records issued before July 1, 1990, for which the department has maintained an index.
- (b) Final orders from adjudicative proceedings as defined in RCW 34.05.010(1) entered after June 30, 1990, that contain an analysis or decision of substantial importance to the department in carrying out its duties.
- (c) Declaratory orders entered after June 30, 1990, that contain an analysis or decision of substantial importance to the department in carrying out its duties.
- (d) Interpretive statements entered after June 30, 1990.
- (e) Policy statements entered after June 30, 1990.

(2) The department shall maintain a general index of all its records available to the public for inspection and copying, including those records mentioned above.

(3) The general index of public records will be maintained and updated by the department. The public records officer is responsible for updating the general index. The index of records is available during regular business hours for public inspection at the department's administrative office

located at 8005-A River Drive Southeast, Olympia 98501 and is available online at www.dol.wa.gov.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-067, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-067, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-067, filed 2/15/96, effective 3/17/96. Statutory Authority: RCW 42.17.260(4). WSR 91-13-057, § 308-10-067, filed 6/17/91, effective 7/18/91.]

WAC 308-10-070 Communications with department. All written communications with the department pertaining to the administration or enforcement of chapter 42.56 RCW and these rules shall be addressed as follows: Department of Licensing, c/o Public Records Officer, 8005-A River Drive Southeast, Olympia 98501.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-070, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-070, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 92-09-107, § 308-10-070, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-070, filed 12/24/75.]

WAC 308-10-075 Disclosure of vehicle owner information. (1) **What vehicle record owner information is protected from disclosure?** Vehicle information protected from disclosure is the same as under chapters 42.56 and 46.12 RCW, and 18 U.S.C. 2721.

(2) **Who may receive vehicle owner names and addresses?**

- (a) Government agencies;
- (b) Business entities that require the information in their normal course of conducting business;
- (c) Vehicle manufacturers that require vehicle ownership information for recall of their product;
- (d) Individuals who provide proof of personal identification:
 - (i) For vehicles currently registered in their name; or
 - (ii) For vehicles for which they can provide a bill of sale or acceptable documents indicating they purchased the vehicle.

(e) Please see subsection (3) of this section for additional restrictions.

Business and government agencies requesting disclosure of individual vehicle owner names and addresses must enter into a disclosure agreement with the department.

(3) **When both a mailing and residence address are recorded on the vehicle record, which address will be disclosed?** When both a mailing address and residence address are recorded on the vehicle record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests from courts, law enforcement agencies, or government agencies with enforcement, investigative, or taxing authority and only for use in the normal course of conducting business.

(4) **What documentation does the department require to disclose vehicle owner name(s) and address(es)?** The department requires:

- (a) A signed vehicle/vessel information disclosure request form provided by the department and completed by the requestor indicating the specific purpose for which the information will be used; and

(b) A disclosure agreement with the department as required by RCW 46.12.635.

(c) Acceptable business verification; or

(d) A contract with the department.

(5) **What is acceptable business verification?** For purposes of this section, acceptable business verification includes:

(a) If the requester is a licensed Washington business, a copy of its current master business license;

(b) If the requester is a business that is not required to be licensed in this state, its federal employer identification number/federal tax number (or Uniform Business Identifier) on official letterhead with a signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card; or

(d) If a private investigator, a copy of the current private investigator's license.

(6) **Does a business need to supply a new form and copy of the business license each time vehicle information is requested?** Yes, each time a request is made for vehicle information a new form and copy of the business license is needed, unless an unexpired contract exists between the business and the department.

(7) **Are businesses allowed individual owner information on vehicle records?** Yes, if a business requires individual owner information to conduct its normal business and qualifies under RCW 46.12.635 and 18 U.S.C. 2721 (commonly known as Driver Privacy Protection Act), it may receive individual vehicle owner information.

(8) **Who may release the vehicle owner name and address information?**

(a) The public disclosure unit of the driver and vehicle services division of the department of licensing; or

(b) Agents and subagents, but only when disclosing information for purposes described in subsection (2)(d) of this section.

(9) **When may the department disclose the name(s) and address(es) of vehicle owners?** The department may only disclose names and addresses of vehicle owners under the provisions of chapters 42.56 and 46.12 RCW and 18 U.S.C. 2721-2725, and:

(a) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used; and

(b) The requesting party enters into a disclosure agreement with the department in which the parties agree that they will use the information only for the purpose stated in the request for the information.

(10) **Is the department required to notify the vehicle owner when ownership information is disclosed?** When the department grants a request from an attorney or private investigator for information under this section, the department will provide notice to the vehicle owner that the request has been granted. Additionally, if a contract holder releases owner information to a private investigator or attorney, they must notify the vehicle owner that a request has been granted, and provide a copy to the department's public disclosure unit.

(11) **Who is responsible for assuring that the information is used appropriately?** Any person, business, agency or

association that receives vehicle owner information under this section is responsible for assuring, under penalty of perjury under the laws of the state of Washington, that the information received is not used for a purpose contrary to the agreement between the person, business, agency or association and the department.

[Statutory Authority: RCW 46.01.110 and 46.12.635. WSR 14-01-051, § 308-10-075, filed 12/12/13, effective 1/12/14.]