

Chapter 1-06 WAC

PUBLIC RECORDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

1-06-150	Adoption of form. [Order 8, § 1-06-150, filed 9/25/74, effective 10/25/74.] Repealed by WSR 78-06-011 (Order 18), filed 5/10/78. Statutory Authority: RCW 42.17.250 and 42.17.300.
1-06-900	Appendix A—Request for public records. [Order 8, Appendix A (codified as WAC 1-06-900), filed 9/25/74, effective 10/25/74.] Repealed by WSR 78-06-011 (Order 18), filed 5/10/78. Statutory Authority: RCW 42.17.250 and 42.17.300.

WAC 1-06-010 Purpose. The purpose of this chapter shall be to ensure compliance by the statute law committee and the office of the code reviser with the provisions of chapter 42.56 RCW dealing with public records.

[Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-06-010, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 1.08.110, 34.05.356, 34.05.385, and 34.08.030. WSR 00-18-001, § 1-06-010, filed 8/23/00, effective 12/31/00; Order 8, § 1-06-010, filed 9/25/74, effective 10/25/74.]

WAC 1-06-020 Definitions. (1) "Public record" includes 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 this agency regardless of physical form or characteristics, except (a) those records of the bill drafting functions of the code reviser deemed confidential pursuant to RCW 1.08.027 and (b) computer programs, products, and databases deemed exempt pursuant to chapter 42.56 RCW.

Public record as relates to this agency does not include computer programs, products, and databases prepared, owned, used, or retained by this agency for the benefit of another state agency. Applications for the disclosure of such records should be addressed to the agency in interest.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, 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) "Committee" means the statute law committee created pursuant to chapter 1.08 RCW (chapter 157, Laws of 1951).

(4) "Reviser" means the code reviser employed by the committee pursuant to RCW 1.08.011, and where appropriate the term also refers to the staff and employees of the office of the code reviser.

(5) "Agency" means the committee, the code reviser, and the staff and employees thereof, unless the context clearly indicates otherwise.

(6) "Records of the bill drafting functions" means any file or writing in the office of the code reviser created in connection with a request for preparation of legislation or research thereon, and the confidentiality of such records may be waived only by the person who requested the services of the office of the code reviser.

[Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-06-020, filed 7/24/06, effective 8/24/06; Order 8, § 1-06-020, filed 9/25/74, effective 10/25/74.]

WAC 1-06-030 Description of central and field organization. (1) The office of the code reviser is located in the Pritchard Building, Olympia, Washington, 98504.

(2) The committee consists of eleven members. The secretary of the senate, the chief clerk of the house of representatives, the staff director of a nonpartisan professional committee, staff of the senate and the house of representatives, two members of the senate and the house of representatives, and one each appointed by the governor, the chief justice of the supreme court, and the Washington State Bar Association. The committee employs a code reviser, who serves as its secretary.

(3) Among the primary responsibilities of the committee and the code reviser is the duty to periodically codify, index, and publish the *Revised Code of Washington* and to revise, correct, and harmonize the statutes by means of administrative or suggested legislative action as may be appropriate. The agency is also the official bill drafting arm of the legislature and its various committees, and prepares for the legislature all bills, memorials, resolutions, amendments, and conference reports, which activities are pursued on a nonpartisan, professional, lawyer-client, confidential basis under RCW 1.08.027, and RCW 1.08.028 prohibits the office of the code reviser from rendering written opinions concerning the constitutionality of any proposal. The agency also produces the legislative digest and history of bills and the daily status report. Immediately following each session of the legislature, the committee indexes and publishes the temporary edition of the session laws and subsequently publishes the permanent edition; it also responds to citizen's requests for copies of recently enacted laws. The committee administers the Administrative Procedure Act, serving as official repository for the rules of the various state agencies and the institutions

of higher education, and creating and publishing the *Washington Administrative Code*.

[Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-06-030, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 1.08.110, 34.05.356, 34.05.385, and 34.08.030. WSR 00-18-001, § 1-06-030, filed 8/23/00, effective 12/31/00; Order 8, § 1-06-030, filed 9/25/74, effective 10/25/74.]

WAC 1-06-040 Operations and procedures. (1) Practice and procedure in and before the agency are governed by the model rules of procedure, chapter 10-08 WAC.

(2) The operations of the agency, including meetings, selection of officers, filling of vacancies, and fiscal matters, are conducted according to the provisions of chapter 1.08 RCW.

[Statutory Authority: RCW 1.08.110, 34.05.356, 34.05.385, and 34.08.030. WSR 00-18-001, § 1-06-040, filed 8/23/00, effective 12/31/00. Statutory Authority: RCW 1.08.110, 34.05.220 and 34.05.250. WSR 91-10-010, § 1-06-040, filed 4/19/91, effective 5/20/91; Order 8, § 1-06-040, filed 9/25/74, effective 10/25/74.]

WAC 1-06-050 Public records available. All public records of the agency, as defined in WAC 1-06-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by chapter 42.56 RCW and WAC 1-06-100.

[Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-06-050, filed 7/24/06, effective 8/24/06; Order 8, § 1-06-050, filed 9/25/74, effective 10/25/74.]

WAC 1-06-060 Public records officer. The agency's public records shall be in the charge of the public records officer designated by the code reviser. The public records officer shall be responsible for the following: The implementation of the agency's rules and regulations regarding release of public records, coordinating the staff of the agency in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.56 RCW.

[Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-06-060, filed 7/24/06, effective 8/24/06; Order 8, § 1-06-060, filed 9/25/74, effective 10/25/74.]

WAC 1-06-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the agency. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 1.08.110 and 34.05.385. WSR 09-14-023, § 1-06-070, filed 6/23/09, effective 8/1/09. Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-06-070, filed 7/24/06, effective 8/24/06; Order 8, § 1-06-070, filed 9/25/74, effective 10/25/74.]

WAC 1-06-080 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:

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(1) A request shall be made in writing upon a form prescribed by the agency which shall be available at its office. The form shall be presented to the public records officer; or to any member of the agency's staff, if the public records officer is not available, at the office of the agency during customary office hours. The request shall include the following information:

- (a) The name, address, and organization represented, if any, 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 agency'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.

[Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-06-080, filed 7/24/06, effective 8/24/06; Order 8, § 1-06-080, filed 9/25/74, effective 10/25/74.]

WAC 1-06-090 Copying of public records. No fee shall be charged for the inspection of public records. Upon request for an identifiable public record, the office of the code reviser may charge a fee of:

- Thirty-five cents per page of copy for providing paper copies of public records maintained on paper or electronically;
- Two dollars per CD ROM for copies of electronically maintained public records;
- Two dollars per page and fifteen dollars per hour charge for double column, publication master copies of electronically maintained public records.

The office of the code reviser may fax documents, but there is a ten-page maximum. There is no charge for this service.

These charges are the amounts necessary to reimburse the agency for its actual costs incident to such copying.

[Statutory Authority: RCW 42.56.040 and 42.56.120. WSR 06-17-010, § 1-06-090, filed 8/4/06, effective 9/4/06. Statutory Authority: RCW 42.17.250 and 42.17.300. WSR 78-08-010 (Order 19), § 1-06-090, filed 7/11/78; Order 8, § 1-06-090, filed 9/25/74, effective 10/25/74.]

WAC 1-06-100 Exemptions. (1) The agency reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 1-06-080 is exempt under the provisions of RCW 1.08.027 or chapter 42.56 RCW.

(2) In addition, pursuant to RCW 42.56.070(1), the agency 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 will fully justify such deletion in writing.

(6/23/09)

(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 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-06-100, filed 7/24/06, effective 8/24/06; Order 8, § 1-06-100, filed 9/25/74, effective 10/25/74.]

WAC 1-06-110 Review of denials of public records request. (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 staff member denying the request shall refer it to the code reviser, who shall immediately consider the matter and either affirm or reverse such denial. 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 agency has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 8, § 1-06-110, filed 9/25/74, effective 10/25/74.]

WAC 1-06-120 Protection of public records. (1) No person shall knowingly alter, deface, or destroy public records of the agency.

(2) Original copies of public records of the agency shall not be removed from the offices of the agency.

(3) Care and safekeeping of public records of the agency, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the agency shall not be permitted.

[Order 8, § 1-06-120, filed 9/25/74, effective 10/25/74.]

WAC 1-06-130 Records index. (1) A chronological index is maintained providing identifying information as to all governmental records issued, adopted, or promulgated after June 30, 1972, that are deemed by the agency to fall within the purview of RCW 42.56.070 and that are not exempted under chapter 42.56 RCW, RCW 1.08.027, 40.14.180, or WAC 1-06-020.

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

[Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-06-130, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 1.08.110, 34.05.356, 34.05.385, and 34.08.030. WSR 00-18-001, § 1-06-130, filed 8/23/00, effective 12/31/00; Order 8, § 1-06-130, filed 9/25/74, effective 10/25/74.]

(6/23/09)

WAC 1-06-140 Communications with the agency. All communications with the agency including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.56 RCW and these rules; requests for copies of the agency's rules and other matters, shall be addressed as follows: Office of the Code Reviser, c/o Public Records Officer, P.O. Box 40551, Olympia, WA 98504-0551.

[Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-06-140, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 1.08.110, 34.05.356, 34.05.385, and 34.08.030. WSR 00-18-001, § 1-06-140, filed 8/23/00, effective 12/31/00; Order 8, § 1-06-140, filed 9/25/74, effective 10/25/74.]

WAC 1-06-160 Request for public record—Form. A copy of the request for public records form may be obtained from the office of the code reviser.

[Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-06-160, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 1.08.110, 34.05.356, 34.05.385, and 34.08.030. WSR 00-18-001, § 1-06-160, filed 8/23/00, effective 12/31/00. Statutory Authority: RCW 42.17.250 and 42.17.300. WSR 78-06-011 (Order 18), § 1-06-160, filed 5/10/78.]