

Chapter 106-276 WAC

PUBLIC RECORDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

106-276-200	Legislative liaison policy. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-200, filed 7/11/78; Order 11, § 106-276-200, filed 2/27/73.] Repealed by WSR 86-23-007 (Order 59), filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).
106-276-210	Designation. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-210, filed 7/11/78; Order 11, § 106-276-210, filed 2/27/73.] Repealed by WSR 86-23-007 (Order 59), filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).
106-276-220	Responsibility. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-220, filed 7/11/78; Order 11, § 106-276-220, filed 2/27/73.] Repealed by WSR 86-23-007 (Order 59), filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

WAC 106-276-001 Public records policy. The provisions of WAC 106-276-001 through 106-276-199 shall constitute the public records policy of Central Washington University, adopted in compliance with chapter 42.17 RCW enacted by the voters of the state of Washington on November 7, 1972.

[Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-001, filed 7/11/78; Order 11, § 106-276-001, filed 2/27/73.]

WAC 106-276-005 Definitions. As used in the provisions of this chapter, the following definitions shall apply wherever the following words are used:

(1) "Request for a public record" means a written request submitted on a proper CWU public records request form for a public record, a review of public records, or a copy or reproduction of a public record.

(2) "Students in public schools" means all past, present, and future students enrolled at Central Washington University.

(3) "Vital governmental interest" includes, but is not limited to, matters affecting national security; the selection of a site or the purchase of real estate when publicity regarding

such consideration would cause a likelihood of increased price.

(4) "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.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-005, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-005, filed 7/11/78; Order 11, § 106-276-005, filed 2/27/73.]

WAC 106-276-010 Definition of public record. (1) A 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 Central Washington University, regardless of the physical form or characteristics: Provided, however, That in accordance with RCW 42.17.310, the following personal and other records are exempt from the definition of public record:

(a) Personal information in any files maintained for students in public schools and the information, data, and records subject to the student records policy, WAC 106-172-700 through 106-172-799.

(b) Personal information in any files maintained for patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(c) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(d) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(e) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(f) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: Provided, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: Provided further, That all complaints filed with the public disclosure commission about

any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(g) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(h) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(i) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(j) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(k) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(l) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(m) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a proceeding with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Any response refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-010, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). WSR 86-23-007 (Order 59), § 106-276-010, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-010, filed 7/11/78; Order 11, § 106-276-010, filed 2/27/73.]

WAC 106-276-030 Description of central and field organization at Central Washington University. (1) Central Washington University is located on a campus in the city

of Ellensburg, Washington. This campus comprises the central headquarters for all operations of the university; any "field" activities of the university are administered by personnel located on the campus at Ellensburg. The university is governed by a board of trustees appointed by the governor; such board meets at regular intervals, as provided in WAC 106-08-001. The board employs a president, the president's assistants, members of the faculty and other employees. It establishes such organizational units as are necessary to carry out the purposes of the university, provides the necessary property, facilities, and equipment and promulgates such rules, regulations, and policies as are necessary to the administration of the university.

(2) The board of trustees, either directly or by delegation, has caused to be created various administrative, academic, and support divisions to enable the university to discharge its obligations. Academic matters are the concern of the provost and vice president for academic affairs; business and physical planning functions are the concern of the vice president for business and financial affairs; matters related to student services are the concern of the vice president for student affairs; the vice president for university advancement oversees matters related to the internal and external affairs of the university and fund raising from private sources. These offices report to the president of the university.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-030, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). WSR 86-23-007 (Order 59), § 106-276-030, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-030, filed 7/11/78; Order 11, § 106-276-030, filed 2/27/73.]

WAC 106-276-040 General course and method of decision making.

(1) The formal procedures for decision making at the university are governed by the board of trustees through rules promulgated by it in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act (APA). Accordingly, all rules, orders or directives, or regulations of the university which affect the relationship of the general public with the institution, or the relationship of particular segments of the university, such as students, faculty, or other employees, with the university or with each other,

(a) The violation of which subjects the person to a penalty or administrative sanction; or

(b) Which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional proceedings; or

(c) Which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; are implemented through the procedures of the APA and appear in Title 106 WAC, provided, however, that in accordance with RCW 34.05.220, the university reserves the right to promulgate as internal rules not created or implemented in accordance with the APA, the following: Rules, regulations, orders, statements, or policies relating primarily to the following: Standards for admission; academic advancement, academic credits, graduation, and the granting of degrees; tuition and fees, scholarships, financial aid, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the inter-

nal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under APA unless otherwise required by law. Internal rules and regulations to the extent not already set forth in the university's published catalogs and handbooks shall be collected in a general university policies manual, a copy of which shall be maintained on file in the university library and be available to the public.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-040, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-040, filed 7/11/78; Order 11, § 106-276-040, filed 2/27/73.]

WAC 106-276-050 Informal procedures regarding the general course and methods of decision. Informal procedures regarding the methods and general course of operations at the university are, for the purposes of these rules, either:

- (1) Decisions made by persons authorized by board resolution, the president, or any designee to make a decision within the scope of responsibility assigned to such person; or
- (2) Methods of human persuasion utilized by any member of the university's constituencies or of the public to attempt to influence one in power to make decisions within that person's scope of responsibility.

[Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-050, filed 7/11/78; Order 11, § 106-276-050, filed 2/27/73.]

WAC 106-276-060 Designation of public records officers. (1) In accordance with the requirements of chapter 42.17 RCW, insofar as such initiative requires state agencies to adopt and enforce reasonable rules and regulations to provide full public access to official divisions while yet protecting the same from damage and to prevent excessive interference with essentials of the agency, all public records at the university shall be in the charge of persons holding positions as records officers.

(2) Overall responsibility for coordinating responses to requests for examination of public records shall be the responsibility of the person known as the "public records officer." The person holding such position will be headquartered in Mitchell Hall at the university. The exact location and name of the public records officer may be determined by inquiry at the office of the president of the university. The public records officer shall also be responsible for compiling and maintaining the index required by chapter 42.17 RCW.

(3) In cases where a question arises as to whether a given public record is the responsibility of one records custodian or another, the determination of such ministerial responsibility shall for the purposes of this chapter be made by the public records officer, or the president of the university.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-060, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). WSR 86-23-007 (Order 59), § 106-276-060, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.35.120. WSR 80-11-027 (Order 45), § 106-276-060, filed 8/14/80. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-060, filed 7/11/78; Order 11, § 106-276-060, filed 2/27/73.]

(8/29/02)

WAC 106-276-070 Availability for public inspection and copying or reproduction of public records. (1) Public records shall be available for inspection, copying, and reproduction during the customary office hours of the university. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, unless the person making the request and the university, acting through the public records officer, agree on a different time.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-070, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-070, filed 7/11/78; Order 11, § 106-276-070, filed 2/27/73.]

WAC 106-276-080 Requests for public records. In accordance with chapter 42.17 RCW the requirements 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 are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form which shall be available at the office of the public records officer and shall be presented to the public records officer, per WAC 106-276-060. Such request shall include the following:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made; and
- (c) If the matter requested is referenced within the current index maintained by the university records officer, a reference to the requested record as it is described in such current index;
- (d) If the requested matter is not identifiable by reference to the university records current index, a statement that succinctly describes the record requested;

(e) A verification that the records requested shall not be used to compile a commercial sales list.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the university "public records officer" or that individual's designee, to assist the member of the public in succinctly identifying the public record requested.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-080, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). WSR 86-23-007 (Order 59), § 106-276-080, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-080, filed 7/11/78; Order 11, § 106-276-080, filed 2/27/73.]

WAC 106-276-090 Charges for copying or reproduction. (1) No fee shall be charged for inspection of public records. The university may impose a reasonable charge for providing copies or reproductions of public records for use by any person of agency equipment to copy or reproduce public records and for any excessive time expended by a state employee in researching the requested records, as determined by the public records officer. Such charges shall not exceed the amount necessary to reimburse the university for its actual costs incident to such copying or reproduction.

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(2) No record shall be copied by photostatic process or otherwise reproduced until and unless the person requesting the copying or reproduction of the public record has tendered payment for such copying or reproduction to the records official from whom the public record was obtained, or to any person designated by such records official.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-090, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-090, filed 7/11/78; Order 11, § 106-276-090, filed 2/27/73.]

WAC 106-276-100 Determination regarding exempt records. (1) The university reserves the right to determine that a public record requested in accordance with the procedures of this chapter is exempt under the provisions of RCW 42.17.310. Such determination may be made in consultation with any of the records officers of the university, president of the university, or an assistant attorney general assigned to the university.

(2) Responses to requests for records must be made promptly. For the purpose of these rules, a prompt response occurs if the person requesting the public record is notified within five business days as to whether or not the request for a public record will be granted or denied.

(3) No denial of a request for public records shall be valid unless accompanied by a written statement, signed by the public records officer or designee, specifying the specific reasons therefore.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 02-18-064, § 106-276-100, filed 8/29/02, effective 9/29/02; WSR 94-20-075 (Order CWU AO 76), § 106-276-100, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-100, filed 7/11/78; Order 11, § 106-276-100, filed 2/27/73.]

WAC 106-276-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record shall petition for prompt review of such decision by tendering to the president's office a written request for a review of such denial. Such written request by a person demanding prompt review shall specifically reference the written statement by the university denying that person's request for a public record.

(2) Within two business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president of the university or any designee, which for the purposes of this section may include the public records officer, shall consider such petition.

(3) During the course of the two business days in which the president or designee reviews the decision of the public records officer denying the request for a public record, the president or designee may conduct a brief adjudicative proceeding. During the course of such brief adjudicative proceeding, the president or designee may require that the person requesting the public record appear at a reasonable time and place located on the campus and further explain and identify the exact nature of the public record the person is seeking. Failure by the person requesting the review proceeding to appear at such brief adjudicative proceeding shall be deemed a waiver of that person's right to insist upon completion of the review of the request within two business days. If the peti-

tioner requesting review does appear at such brief adjudicative proceeding, then the period for review by the university shall be extended to a period not exceeding twenty-four hours after such person requesting review has appeared before the president or designee.

(4) During the course of the brief adjudicative proceeding conducted by the president or designee under this section, the presiding officer shall consider the obligations of the university to comply fully with the intent of chapter 42.17 RCW insofar as it requires providing public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 and the requirement of RCW 42.17.290 insofar as it requires the university to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and to prevent any unreasonable invasion of personal privacy by deleting identifying details.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-110, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). WSR 86-23-007 (Order 59), § 106-276-110, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-110, filed 7/11/78; Order 11, § 106-276-110, filed 2/27/73.]

WAC 106-276-230 Document index. An index of all documents required to be indexed by RCW 42.17.260 shall be maintained at the office of business services and contracts, second floor, Mitchell Hall. The index shall be accessible to the public by request to the public records officer at the above office during normal working hours.

[Statutory Authority: RCW 28B.35.120(12). WSR 91-23-031 (Order CWU AO 69), § 106-276-230, filed 11/12/91, effective 12/13/91.]