

Chapter 132S-10 WAC

PUBLIC RECORDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 132S-10-010 Designation of legislative liaisons. [Order 73-4, § 132S-10-010, filed 6/18/73.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.
- 132S-10-015 Responsibility. [Order 73-4, § 132S-10-015, filed 6/18/73.] Repealed by WSR 82-21-012 (Order 82-1), filed 10/11/82. Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW.
- 132S-10-016 Public records—Purpose and definitions. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-016, filed 10/11/82. Formerly WAC 132S-17-010 and 132S-17-015.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.
- 132S-10-020 Operations and procedures. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-020, filed 10/11/82. Formerly WAC 132S-17-025.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.
- 132S-10-021 Public records available. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-021, filed 10/11/82. Formerly WAC 132S-17-030.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.
- 132S-10-022 Public records officer. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-022, filed 10/11/82. Formerly WAC 132S-17-035.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.
- 132S-10-023 Public records—Office hours. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-023, filed 10/11/82. Formerly WAC 132S-17-040.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.
- 132S-10-024 Requests for public records. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-024, filed 10/11/82. Formerly WAC 132S-17-045.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.
- 132S-10-025 Public records—Fees. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-025, filed 10/11/82. Formerly WAC 132S-17-050.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.
- 132S-10-026 Public records—Exemptions. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-026, filed 10/11/82. Formerly WAC 132S-17-055.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.
- 132S-10-027 Review of denials of public records requests. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-027, filed 10/11/82. Formerly WAC 132S-17-060.] Repealed by

WAC 132S-10-030 Authority and purpose. (1) RCW 42.56.070(1) requires Columbia Basin College 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. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.

(2) The purpose of these rules is to establish the procedures Columbia Basin College will follow in order to provide access to public records. These rules provide information to persons wishing to request access to public records of the college and establish processes for both requestors and college 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 access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. In carrying out its responsibilities under the act, the college will be guided by the provisions of the act describing its purposes and interpretation.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-10-030, filed 5/25/16, effective 6/25/16.]

WAC 132S-10-040 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 any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and

other documents including existing data compilations from which information may be obtained or translated.

(3) Relating to the conduct of government. To be a public record, a document must relate to the conduct of government or the performance of any governmental or proprietary function. Almost all records held by an agency relate to the conduct of government; however, some do not. A purely personal record having absolutely no relation to the conduct of government is not a public record. Even though a purely personal record might not be a public record, a record of its existence might be. For example, a record showing the existence of a purely personal email sent by an agency employee on an agency computer would probably be a public record, even if the contents of the email itself were not.

(4) Prepared, owned, used, or retained. A public record is a record prepared, owned, used, or retained by an agency. A record can be used by an agency even if the agency does not actually possess the record. If an agency uses a record in its decision-making process, it is a public record. For example, if an agency considered technical specifications of a public works project and returned the specifications to the contractor in another state, the specifications would be a public record because the agency used the document in its decision-making process. The agency could be required to obtain the public record, unless doing so would be impossible. An agency cannot send its only copy of a record to a third party for the sole purpose of avoiding disclosure.

[Statutory Authority: RCW 28B.50.140, WSR 16-12-039, § 132S-10-040, filed 5/25/16, effective 6/25/16.]

WAC 132S-10-050 Availability of public records. (1) Hours for inspection of records. Public records of Columbia Basin College are available for inspection and copying during normal business hours of the college, Monday through Thursday 7:00 a.m. to 4:30 p.m. and Friday 7:00 a.m. to 12:00 p.m., excluding legal holidays. Records must be inspected at the offices of the college's human resources office.

(2) **Records index.** An index of public records is available for use by members of the public. There may be exemptions that may prohibit the college from releasing certain documents. The index may be accessed online at www.columbiabasin.edu.

(3) **Organization of records.** Columbia Basin College will maintain its records in a reasonably organized manner. The college will take reasonable actions to protect records from damage and disorganization. A requestor shall not take the college's records from Columbia Basin College offices without the permission of the public records officer or designee. A variety of records is available on the Columbia Basin College web site at www.columbiabasin.edu. 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 college should make the request in writing on the college's request form, or by letter, fax, or email addressed to the public records officer and including the following information:

- (i) Name of requestor;
- (ii) Address of requestor;

(iii) Other contact information, including telephone number and any email address;

(iv) Identification of the public records adequate for the public records officer or designee to locate the records; and

(v) The date and time of day of the request.

(b) 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 or a deposit. Pursuant to WAC 132S-10-080 standard photocopies will be provided at fifteen cents per page.

(c) A form is available for use by requestors at the office of the public records officer and online at www.columbiabasin.edu.

(d) The public records officer or designee may accept requests for public records that contain the information in this subsection (4) by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

(e) **Commercial purpose:** The act does not allow an agency to provide access to "lists of individuals requested for commercial purposes." RCW 42.56.070(9). Columbia Basin College may require a requestor to sign a declaration that he or she will not put a list of individuals in the record to use for a commercial purpose.

[Statutory Authority: RCW 28B.50.140, WSR 16-12-039, § 132S-10-050, filed 5/25/16, effective 6/25/16.]

WAC 132S-10-060 Public records officer. (1) Any person wishing to request access to public records of Columbia Basin College, or seeking assistance in making such a request should contact the public records officer of the college:

Camilla Glatt, Vice President for
Human Resources & Legal Affairs
Columbia Basin College
2600 North 20th Avenue
Pasco, WA 99301
Phone: 509-542-5548
Fax: 509-544-2029
Email: cglatt@columbiabasin.edu

Information is also available at the college's web site at www.columbiabasin.edu.

(2) The public records officer will oversee compliance with the act but another college staff member may process requests. Therefore, these rules will refer to the public records officer or designee.

[Statutory Authority: RCW 28B.50.140, WSR 16-12-039, § 132S-10-060, filed 5/25/16, effective 6/25/16.]

WAC 132S-10-070 Requests for public records. Both requestors and agencies have responsibilities under the act. The public records process can function properly only when both parties perform their respective responsibilities. An agency has a duty to promptly provide access to all nonexempt public records. A requestor has a duty to request identifiable records, inspect the assembled records or pay for the copies, and be respectful to agency staff.

(1) Providing "fullest assistance." Columbia Basin College 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 will do one or more of the following:

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

(b) If copies are requested and payment of a deposit 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 by telephone or in writing. The public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request.

(3) Protecting rights of others. In the event 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.

(4) Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If the college believes that a record is exempt from disclosure and should be withheld, the public records officer 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 officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(5) Inspection of records.

(a) Consistent with other demands, the college 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 college's notification to him or her that the records are available for inspection or copying. The college will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the college 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 college 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 Columbia Basin College 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 will close the request and indicate to the requestor that the college has closed the request.

(10) Later discovered documents. If, after the college has informed the requestor that it has provided all available records, the college 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 28B.50.140. WSR 16-12-039, § 132S-10-070, filed 5/25/16, effective 6/25/16.]

WAC 132S-10-080 Costs of providing copies of public records. (1) Costs for paper copies. There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for fifteen cents per page and color copies for the actual cost per page.

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. Columbia Basin College will not charge sales tax when it makes copies of public records.

(2) Costs for electronic records. The cost of electronic copies of records shall be the actual costs for information on a CD-ROM. There will be no charge for emailing electronic records to a requestor, unless another cost applies such as a scanning fee.

(3) Costs of mailing. The college may also charge actual costs of mailing, including the cost of the shipping container.

(4) Payment. Payment may be made by cash, check, or money order to the Columbia Basin College, 2600 North 20th Avenue, Pasco, WA 99301.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-10-080, filed 5/25/16, effective 6/25/16.]

WAC 132S-10-090 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 provided by law, outside the Public Records Act, that restrict the availability of some documents held by Columbia Basin College for inspection and copying:

- (a) Educational records;
- (b) Privacy;
- (c) Commercial use;
- (d) Attorney-client privilege;
- (e) Deliberative process;
- (f) Personal information;
- (g) Investigative;
- (h) Employment;
- (i) Financial, commercial, and proprietary information.

(2) Columbia Basin College is prohibited by statute from disclosing lists of individuals for commercial purposes.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-10-090, filed 5/25/16, effective 6/25/16.]

WAC 132S-10-100 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 email) 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 president of Columbia Basin College or his or her designee to conduct the review. The president or his or her designee will immediately consider the petition and either affirm or reverse the denial within two business days following the college's receipt of the petition, or within such other time as the college and the requestor mutually agree to.

(3) Review by the attorney general's office. Pursuant to RCW 42.56.530, if Columbia Basin College 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 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-10-100, filed 5/25/16, effective 6/25/16.]