

# Chapter 136-03 WAC

## PUBLIC ACCESS TO INFORMATION AND RECORDS

### WAC

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**WAC 136-03-010 Purpose and authority.** The purpose of this chapter is to establish rules for compliance by the Washington county road administration board with the provisions of RCW 42.17.250 through 42.17.340 dealing with public records. This chapter describes the places at which, the employees from whom, and the methods whereby persons may obtain information, make submittals or requests, or obtain copies of agency decisions. Other chapters in Title 136 WAC describe the general course and method of the board's operations and the nature and requirements of all of its formal and informal procedures. For a description of the board's organization, see chapter 136-01 WAC.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-03-010, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 42.17.250 through [42.17].340. WSR 92-13-037 (Order 87), § 136-03-010, filed 6/10/92, effective 7/11/92.]

**WAC 136-03-020 Public records officer.** The board's public records officer shall be the executive assistant to the county road administration board. The public records officer shall be officed at 2404 Chandler Court S.W., Suite 240, Olympia, Washington. The public records officer shall be responsible for:

- (1) Implementation of RCW 42.17.250 through 42.17.340 and these rules and regulations regarding release of public records;
- (2) Coordinating staff efforts of the county road administration board in this regard; and
- (3) Ensuring compliance of the staff with RCW 42.17.250 through 42.17.340 and these regulations.

The public records officer shall establish and maintain the index system required by RCW 42.17.260(4).

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-03-020, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 42.17.250 through [42.17].340. WSR 92-13-037 (Order 87), § 136-03-020, filed 6/10/92, effective 7/11/92.]

**WAC 136-03-030 Public records available.** All public records of the county road administration board not exempted by RCW 42.17.310, or other statute which exempts or prohibits disclosure (see RCW 47.17.260(1)), shall be available for public inspection and copying pursuant to these rules.

(12/7/98)

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-03-030, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 42.17.250 through [42.17].340. WSR 92-13-037 (Order 87), § 136-03-030, filed 6/10/92, effective 7/11/92.]

**WAC 136-03-040 Requests for public records.** Public records of the county road administration board shall be obtainable by persons who comply with the following procedures:

(1) A written request for public records shall be addressed to the public records officer. Such request shall include the following:

(a) The name of the person requesting the records (requestor).

(b) The calendar date on which the request was made.

(c) If the requested records are referenced in the current index maintained by the county road administration board, a reference to the requested record as it is described in such current index.

(d) If the requested records are not referenced in the current index, a statement that identifies the specific records requested.

(e) Where the requested records might be used for such a purpose, a verification that the records requested shall not be used to compile a commercial sales list.

(2) The public records officer shall inform the requestor whether and when the requested records will be available for inspection or copying at 2404 Chandler Court S.W., Suite 240, Olympia, Washington. If the requestor asks that the records be mailed to him or her, the public records officer shall do so, provided the records can be copied and sent without unreasonably disrupting the operations of the county road administration board, as provided in RCW 42.17.270.

(3) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the county road administration board is also a party (or when such a request is made by or on behalf of an attorney for such a party) the request shall be referred to the assistant attorney general assigned to the county road administration board for appropriate response.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-03-040, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 42.17.250 through [42.17].340. WSR 92-13-037 (Order 87), § 136-03-040, filed 6/10/92, effective 7/11/92.]

**WAC 136-03-050 Availability for public inspection and copying of public records—Office hours.** Public records shall be available for inspection and copying during the normal business hours of the county road administration board. For the purposes of this chapter, these normal business hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-03-050, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and

42.17.250 through [42.17].340. WSR 92-13-037 (Order 87), § 136-03-050, filed 6/10/92, effective 7/11/92.]

**WAC 136-03-060 Inspection and copying costs.** (1)

No fee shall be charged for inspection of public records.

(2) The county road administration board shall impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse the county road administration board for its actual costs incident to such copying. Actual costs shall include:

(a) The labor and overhead costs of staff associated with responding to the request;

(b) Computer and/or copying machine costs and overhead; and

(c) Paper and/or other duplicating medium costs.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-03-060, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 42.17.250 through [42.17].340. WSR 92-13-037 (Order 87), § 136-03-060, filed 6/10/92, effective 7/11/92.]

**WAC 136-03-070 Protection of public records.** In order to protect records from damage or disorganization:

(1) Copying of public documents shall be done by county road administration board personnel or, at the discretion of the county road administration board, under their supervision.

(2) No document shall be physically removed by a requestor from the area designated by the county road administration board for the public inspection of documents. The board may require that all inspection be done in the presence of a county road administration board employee.

(3) When a requestor requests to examine an entire file or group of documents, as distinguished from certain individual documents which can be identified and supplied by themselves, the county road administration board shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure is contained therein, and the board shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of performing such inspection.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-03-070, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 42.17.250 through [42.17].340. WSR 92-13-037 (Order 87), § 136-03-070, filed 6/10/92, effective 7/11/92.]

**WAC 136-03-080 Denial of request.** Each denial of a request for a public record shall be accompanied by a written statement to the requestor clearly specifying the reasons for 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. Such statement shall be sufficiently clear and complete to permit the director or his or her designee to review the denial in accordance with WAC 136-03-090.

[Statutory Authority: RCW 36.78.070 and 42.17.250 through [42.17].340. WSR 92-13-037 (Order 87), § 136-03-080, filed 6/10/92, effective 7/11/92.]

**WAC 136-03-090 Review of denial of public records request.** (1) Any person who objects to the denial of a request for a public record may petition the public records officer 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) If the public records officer decides to affirm the denial, then the written request for review shall immediately be referred to the assistant attorney general assigned to the county road administration board. The assistant attorney general shall promptly consider the matter and either affirm or reverse such denial. In any case, 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 public records officer has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-03-090, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 42.17.250 through [42.17].340. WSR 92-13-037 (Order 87), § 136-03-090, filed 6/10/92, effective 7/11/92.]

**WAC 136-03-100 Records index.** (1) The county road administration board shall have available to all persons at its offices in Olympia a current index which provides identifying information as to the following records:

(a) All records issued before July 1, 1990, for which the county road administration board has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the county road administration board in carrying out its duties;

(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the county road administration board in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010 (8) that were entered after June 30, 1990;

(e) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990; and

(f) Minutes of county road administration board meetings.

(2) The system of indexing shall be as follows:

(a) The indexing system shall be administered by the board's public records officer and shall be located at 2404 Chandler Court S.W., Suite 240, Olympia, Washington.

(b) Copies of all indexes shall be available for public inspection and copying in the manner provided for the inspection and copying of public records.

(c) The public records officer shall establish and maintain a separate index for each item contained in subsection (1)(a) through (f) of this section as follows:

(i) All final orders and declaratory orders determined by the county road administration board to contain analyses or decisions of substantial importance to the board shall be listed alphabetically by the titles of the hearing or controversy and shall contain a phrase describing the important issue or issues.

(ii) Interpretive statements and policy statements shall be indexed by the applicable program administered by the county road administration board.

(iii) County road administration board minutes shall be indexed chronologically.

(d) The public records officer shall update all indexes at least once a year and shall revise such indexes when deemed necessary by the county road administration board.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-03-100, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 42.17.250 through [42.17].340. WSR 92-13-037 (Order 87), § 136-03-100, filed 6/10/92, effective 7/11/92.]

**WAC 136-03-110 Availability.** The current indexes promulgated by the county road administration board shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-03-110, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 42.17.250 through [42.17].340. WSR 92-13-037 (Order 87), § 136-03-110, filed 6/10/92, effective 7/11/92.]