

# Chapter 479-02 WAC

## PUBLIC ACCESS TO INFORMATION AND RECORDS

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

479-02-020	Definitions. [Statutory Authority: Chapter 47.26 RCW. WSR 91-13-056, § 479-02-020, filed 6/17/91, effective 7/18/91.] Repealed by WSR 99-24-038, filed 11/23/99, effective 12/24/99. Statutory Authority: Chapters 47.26 and 47.66 RCW.
479-02-030	Exempted records. [Statutory Authority: Chapter 47.26 RCW. WSR 95-04-072, § 479-02-030, filed 1/30/95, effective 3/2/95; WSR 91-13-056, § 479-02-030, filed 6/17/91, effective 7/18/91.] Repealed by WSR 99-24-038, filed 11/23/99, effective 12/24/99. Statutory Authority: Chapters 47.26 and 47.66 RCW.

**WAC 479-02-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the transportation improvement board with the provisions of chapter 42.56 RCW dealing with public records.

[Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-02-010, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-02-010, filed 11/23/99, effective 12/24/99. Statutory Authority: Chapter 47.26 RCW. WSR 91-13-056, § 479-02-010, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-050 Public records officer.** The executive secretary is the public records officer for the transportation improvement board. The public records officer is responsible for implementation of the board's rules and regulations regarding release of public records and ensuring compliance with the public records disclosure requirements of chapter 42.56 RCW.

[Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-02-050, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-02-050, filed 11/23/99, effective 12/24/99. Statutory Authority: Chapter 47.26 RCW. WSR 91-13-056, § 479-02-050, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-060 Public records available.** All public records defined in RCW 42.17.020 are available for public inspection and copying unless the record falls within the specific exemptions of chapter 42.56 RCW or other specific statute.

[Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-02-060, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-02-060, filed 11/23/99, effective 12/24/99. Statutory Authority: Chapter 47.26 RCW. WSR 91-13-056, § 479-02-060, filed 6/17/91, effective 7/18/91.]

(8/30/07)

**WAC 479-02-070 Requests for public records.** Public records requests should be sent to the public records officer at the office location using the following procedures:

(1) To ensure accuracy, any requests for public records should be made in writing and may be mailed, emailed, faxed, or delivered to the office during business hours.

(2) For prompt response, the following information should be provided in the request:

- (a) The name of the person requesting the record;
- (b) The date on which the request is made;
- (c) A specific description of the material requested;
- (d) A verification that the records requested will not be used to compile a sales list or used for commercial gain;
- (e) Instructions as to whether the requestor wants to view the document at the TIB offices, receive a copy by mail, or receive an electronic copy if available.

(3) TIB's public records request form is available on the web site.

[Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-02-070, filed 8/30/07, effective 9/30/07; WSR 95-04-072, § 479-02-070, filed 1/30/95, effective 3/2/95; WSR 91-13-056, § 479-02-070, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-075 Response to requests.** Upon receiving a request, the public records officer will respond within five business days in writing or by email acknowledging receipt of the request and with one or more of the following:

- (1) The requested record;
- (2) An estimate of the time it will take to provide the record or a schedule for providing the records in installments, including:
  - (a) An estimate of the copying and shipping costs of the record; and
  - (b) A request for advanced partial payment of the copy and shipping costs;
  - (3) A request for further information or identification of the desired public records;
  - (4) A request for verification that the records requested will not be used to compile a sales list, or that the records will not be sold for commercial gain; or
  - (5) A denial of the request pursuant to WAC 479-02-110.

[Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-02-075, filed 8/30/07, effective 9/30/07.]

**WAC 479-02-080 Availability.** Public records will be available for inspection and copying during the normal business hours of TIB. Normal office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday, except state holidays.

[Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-02-080, filed 8/30/07, effective 9/30/07; WSR 91-13-056, § 479-02-080, filed 6/17/91, effective 7/18/91.]

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**WAC 479-02-090 Inspection and copying cost.** (1) No fee is charged for inspection of public records.

(2) The board will charge a reasonable fee for providing copies of public records as provided in RCW 42.56.120.

[Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-02-090, filed 8/30/07, effective 9/30/07; WSR 91-13-056, § 479-02-090, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-100 Protection of public records.** To protect public records, the following rules have been adopted:

(1) Copying of public documents will be done by staff or under their supervision.

(2) Public documents will not be removed by the requestor.

(3) Inspection of documents will be monitored by staff.

(4) If a request is submitted to examine or copy an entire file or group of documents, the public records officer will review the file and identify any protected records under RCW 42.17.310. A reasonable time to do the review will be given to the public records officer without being in violation of the obligation to reply promptly.

[Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-02-100, filed 8/30/07, effective 9/30/07; WSR 95-04-072, § 479-02-100, filed 1/30/95, effective 3/2/95; WSR 91-13-056, § 479-02-100, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-110 Denial of request.** Whenever the record requested clearly falls within the statutory exemptions of chapter 42.56 RCW, or when the exempt status of the record is unclear:

(1) The public records officer will consult with the assistant attorney general to determine if a requested public record is exempt; and

(2) Any denial of a request based upon an exemption will be made by a written statement to the requestor together with specific explanation of the reasons for and how to request a review of the exemption.

[Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-02-110, filed 8/30/07, effective 9/30/07. Statutory Authority: Chapters 47.26 and 47.66 RCW. WSR 99-24-038, § 479-02-110, filed 11/23/99, effective 12/24/99. Statutory Authority: Chapter 47.26 RCW. WSR 95-04-072, § 479-02-110, filed 1/30/95, effective 3/2/95; WSR 91-13-056, § 479-02-110, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-120 Review of agency denial.** Denial of a public records request will be in accordance with RCW 42.56.530.

[Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-02-120, filed 8/30/07, effective 9/30/07; WSR 95-04-072, § 479-02-120, filed 1/30/95, effective 3/2/95; WSR 91-13-056, § 479-02-120, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-130 Records index.** The public records officer will maintain a current index of board records.

(1) The following list of records is included in the index:

(a) Legislation, rules, and regulations of the board;

(b) Bylaws adopted by the board;

(c) Minutes of board meetings;

(d) Resolutions approved by the board;

(e) Program guidelines;

(f) Program reports and publications.

(2) The public records officer will update the index at least once a year or when deemed necessary by the executive director.

(3) The index will be available for inspection and copying as other public records.

[Statutory Authority: Chapter 47.26 RCW. WSR 07-18-050, § 479-02-130, filed 8/30/07, effective 9/30/07; WSR 95-04-072, § 479-02-130, filed 1/30/95, effective 3/2/95; WSR 91-13-056, § 479-02-130, filed 6/17/91, effective 7/18/91.]

**WAC 479-02-140 Availability.** The current index promulgated by the 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 47.26 RCW. WSR 91-13-056, § 479-02-140, filed 6/17/91, effective 7/18/91.]