

# Chapter 495E-276 WAC

## ACCESS TO PUBLIC RECORDS

### WAC

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**WAC 495E-276-010 Purpose.** The purpose of this chapter is to ensure that Renton Technical College complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et seq. WSR 93-13-114, § 495E-276-010, filed 6/21/93, effective 7/22/93.]

**WAC 495E-276-020 Definitions.** (1) "Public record" and "writing" have the meanings set forth in RCW 42.17.020.

(2) "Renton Technical College" is an agency organized by statute pursuant to RCW 28B.50.040, and hereinafter may be referred to as the "district." Where appropriate, the term "district" also refers to the staff and employees of the district.

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et seq. WSR 93-13-114, § 495E-276-020, filed 6/21/93, effective 7/22/93.]

**WAC 495E-276-030 Description of central and field organization of Community College District No. 27.** (1) Renton Technical College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located at 3000 Northeast Fourth Street, Renton, WA 98056-4195.

(2) The district is operated under the supervision and control of the state board for community and technical colleges and a college board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 495E-104-010. The board of trustees employs a president, an administrative staff, members of the faculty, and other employees. The board of trustees takes such actions and promulgates such rules and policies, in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organiza-

tion of the district is contained within the *Policies and Procedures Manual* for Renton Technical College, a current copy of which is available for inspection at the administrative office of the district.

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et seq. WSR 93-13-114, § 495E-276-030, filed 6/21/93, effective 7/22/93.]

**WAC 495E-276-040 Operations and procedures.** (1) The board of trustees normally takes action at regular or special meetings through duly adopted resolutions or motions or promulgation of rules in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the *Policies and Procedures Manual* of Renton Technical College, a current copy of which is available for inspection at the administrative office of the district.

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et seq. WSR 93-13-114, § 495E-276-040, filed 6/21/93, effective 7/22/93.]

**WAC 495E-276-050 Public records available.** All public records of the district are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by 20 U.S.C. §1232g, 34 C.F.R. Part 99, RCW 42.17.310, chapter 495E-280 WAC, or other statutes or rules.

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et seq. WSR 93-13-114, § 495E-276-050, filed 6/21/93, effective 7/22/93.]

**WAC 495E-276-060 Public records officer.** The district's public records shall be in the charge of the public records officer designated by the chief administrative officer of the district. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with public records disclosure requirements.

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et seq. WSR 93-13-114, § 495E-276-060, filed 6/21/93, effective 7/22/93.]

**WAC 495E-276-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et seq. WSR 93-13-114, § 495E-276-070, filed 6/21/93, effective 7/22/93.]

**WAC 495E-276-080 Requests for public records.** In accordance with the requirements of RCW 42.17.290 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 prescribed by the district which shall be available at the district administrative office. The form shall be presented by mail or during customary office hours to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office for forwarding to the records officer. The request shall include:

(a) The name, address, and telephone number of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) If the matter requested is referenced within the current index maintained by the public 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 current index, an appropriate description of the record requested;

(e) If the requested record includes a list of individuals, a sworn certification and declaration by the requester that the list and names will not be used for any commercial purpose.

(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 person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et seq. WSR 93-13-114, § 495E-276-080, filed 6/21/93, effective 7/22/93.]

**WAC 495E-276-090 Copying.** No fee shall be charged for the inspection of public records. The district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records but such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until the person requesting the copied public record has tendered payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check, or cash in advance.

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et seq. WSR 93-13-114, § 495E-276-090, filed 6/21/93, effective 7/22/93.]

**WAC 495E-276-100 Determination regarding exempt records.** (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 495E-276-080 is exempt pursuant to RCW 42.17.310 or another statute or rule. Such determination shall be made by the public records officer or his/her designee.

(2) Pursuant to RCW 42.17.260, the district will delete identifying details when it makes a record available, to the extent required to prevent an unreasonable invasion of per-

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sonal privacy interests: Provided, however, In each case the justification for the deletion shall be explained in writing.

(3) The response to a request for a public record must be made promptly. Within five business days, the records officer must respond in accordance with RCW 42.17.320.

(4) All denials of requests for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

(5) The district's disclosure of a record that it may have authority to withhold under a permissive exemption shall not waive that exemption or in any way preclude the district from asserting that exemption upon a future request for the same or another record.

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et seq. WSR 93-13-114, § 495E-276-100, filed 6/21/93, effective 7/22/93.]

**WAC 495E-276-110 Review of denials of public records requests.** (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 to the district president or his/her designee. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) Within two business days after receiving the written request for review, the president of the district, or his or her designee, shall complete such review and issue a final written decision.

(3) During the course of the review the president or his or her designee shall consider the obligations of the district to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17-310 and other pertinent statutes and rules, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et seq. WSR 93-13-114, § 495E-276-110, filed 6/21/93, effective 7/22/93.]

**WAC 495E-276-120 Protection of public records.** Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the custody of the records officer. Copying of such records may be arranged according to the provisions of WAC 495E-276-090.

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et seq. WSR 93-13-114, § 495E-276-120, filed 6/21/93, effective 7/22/93.]

**WAC 495E-276-130 Records indexes and exemptions.** (1) The district will maintain indexes of its public records in accordance with RCW 42.17.260. The indexes maintained by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

(2) For purposes of RCW 42.17.260(2), the laws other than those listed in chapter 42.17 RCW which the district believes may exempt or prohibit disclosure of district information or records include: 20 U.S.C. §1232 g, 34 C.F.R. Part 99, and RCW 5.60.060 and 42.32.030.

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et seq. WSR 93-13-114, § 495E-276-130, filed 6/21/93, effective 7/22/93.]

**WAC 495E-276-140 Adoption of form.** The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

REQUEST FOR PUBLIC RECORD TO  
RENTON TECHNICAL COLLEGE

- (1) .....  
Name (please print)                      Signature  
.....  
Name or Organization, if applicable  
.....  
Mailing Address of Applicant              Phone Number
- (2) .....  
Date Request Made                      Time of Day  
    Request Made
- (3) Identification Reference on Current Index (Please describe)  
.....  
.....  
.....
- (4) Description of Record, or Matter, Requested if not Identifiable by Reference to the Renton Technical College Index  
.....  
.....  
.....
- (5) (If request covers a list of individuals:)  
The undersigned records requester certifies and declares under penalty of perjury under the laws of the State of Washington that no list or names of individuals obtained through this request will be used for any commercial purpose:

Requested By ..... Date ..... Time .....  
Received By ..... Date ..... Time .....

ACTION ON REQUEST

Request: APPROVED .... DENIED ..... Date ...  
By .....  
Name                      Title  
Reasons for Denial: .....  
.....  
.....  
.....

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et seq. WSR 93-13-114, § 495E-276-140, filed 6/21/93, effective 7/22/93.]