

Chapter 30-04 WAC

PUBLIC RECORDS

WAC

30-04-010	Purpose.
30-04-020	Public records available.
30-04-030	Public records officer.
30-04-040	Inspection and copying.
30-04-050	Requests for public records.
30-04-055	Response to public records request.
30-04-060	Copying.
30-04-070	Exemptions.
30-04-080	Review of denials of public records requests.
30-04-120	Records index.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

30-04-090	Protection of public records. [Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-04-090, filed 7/12/95, effective 8/12/95; WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-090, filed 4/1/86.] Repealed by WSR 10-23-102, filed 11/16/10, effective 12/17/10. Statutory Authority: Chapter 43.46 RCW.
30-04-100	Adoption of form. [Statutory Authority: RCW 43.46-040. WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-100, filed 4/1/86.] Repealed by WSR 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
30-04-110	Request for public record form. [Statutory Authority: RCW 43.46.040. WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-110, filed 4/1/86.] Repealed by WSR 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.

WAC 30-04-010 Purpose. The purpose of this chapter is to ensure compliance by the Washington state arts commission with the provisions of chapter 42.56 RCW dealing with public records.

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-04-010, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 43.46.040 and 43.46.081. WSR 10-02-089, § 30-04-010, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 43.46.040. WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-010, filed 4/1/86.]

WAC 30-04-020 Public records available. All public records of the commission are available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.56.210 and WAC 30-04-070.

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-04-020, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 43.46.040 and 43.46.081. WSR 10-02-089, § 30-04-020, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 43.46.040. WSR 98-24-073, § 30-04-020, filed 11/30/98, effective 12/31/98; WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-020, filed 4/1/86.]

WAC 30-04-030 Public records officer. The commission's public records shall be in the charge of the public records officer designated by the executive director. The public records officer shall be responsible for the following: The implementation of commission policy in regard to the release of public records, coordinating the staff of the office in this regard, and generally insuring staff compliance with the public disclosure requirements of chapter 42.56 RCW.

(1/2/18)

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-04-030, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 43.46.040 and 43.46.081. WSR 10-02-089, § 30-04-030, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 43.46.040. WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-030, filed 4/1/86.]

WAC 30-04-040 Inspection and copying. Public records shall be available for inspection and copying from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays and other posted office closures. All public records of the commission are located at the office address published on the commission's web site at www.arts.wa.gov.

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-04-040, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 43.46.040 and 43.46.081. WSR 10-02-089, § 30-04-040, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-04-040, filed 7/12/95, effective 8/12/95; WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-040, filed 4/1/86.]

WAC 30-04-050 Requests for public records. In accordance with the requirements of chapter 42.56 RCW, that agencies prevent unreasonable invasion of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the commission, public records may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedure:

(1) A request shall be made in writing (including electronic mail) to the public records officer, or to another designated member of the staff if the public records officer is not available. The request shall include the following information:

- The name of the person requesting the record;
- The time of day and calendar date on which the request was made;
- The nature of the request.

(2) If the request is for a list of individuals, the requestor shall certify that the request is not for commercial purposes except as provided under RCW 42.56.070(7).

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-04-050, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 43.46.040 and 43.46.081. WSR 10-02-089, § 30-04-050, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-04-050, filed 7/12/95, effective 8/12/95; WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-050, filed 4/1/86.]

WAC 30-04-055 Response to public records request.

(1) The public records officer shall respond to public records requests within five business days by:

- Providing the record;
- Acknowledging receipt of the request and providing a reasonable estimate of the time the commission will require to respond to the request; or

(c) Denying the public record request. Responses refusing in whole or in part the inspection of a public record shall include a statement of the specific exemption authorizing the

[Ch. 30-04 WAC p. 1]

withholding of the record (or any part) and a brief explanation of how the exemption applies to the record(s) withheld.

(2) Additional time to respond to the request may be based upon the need to:

- (a) Clarify the intent of the request;
- (b) Locate and assemble the information requested;
- (c) Notify third persons or agencies affected by the request; or

(d) Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(3) In acknowledging receipt of a public record request that is unclear, the public records officer may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the public records officer need not respond to it.

(4) If the public records officer does not respond in writing within five working days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:

- (a) Consider the request denied; and
- (b) Petition the public records officer under WAC 30-04-080.

(5) If the public records officer responds within five working days acknowledging receipt of the request and providing an estimate of the time required to respond to the request, and the requestor feels the amount of time stated is not reasonable, the person seeking disclosure shall be entitled to petition the public records officer for a review of the estimate of time. The procedures set out in WAC 30-04-080 shall apply to this review.

(6) Only after a determination has been made that all, or such portion of a public record as is not redacted, may be inspected, shall such public record or portion thereof be made available for inspection by appointment.

(7) The request for an appointment shall be made in writing to the public records officer. The public records officer shall acknowledge such request for an appointment within two business days of the receipt of such request and will provide the requestor with the date(s) that such an appointment could be kept by an authorized staff person.

(8) The viewing of those records that require specialized equipment shall be limited to the availability of that equipment located at the commission office and the availability of authorized staff to operate that equipment.

(9) In all cases, it shall be the obligation of the public records officer to:

- (a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;
- (b) Assist the member of the public in appropriately identifying the public record requested;
- (c) Protect and otherwise prevent damage to the public record being inspected and copied;
- (d) Prevent disorganization of file folders or document containers;
- (e) Remain in the company of the member of the public at all times during which a public document is being inspected, and provide the fullest assistance possible; and
- (f) Prevent excessive interference with the other essential functions of the commission.

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-04-055, filed 11/16/10, effective 12/17/10.]

WAC 30-04-060 Copying. (1) Pursuant to RCW 42.56.120(2), as amended by section 3, chapter 304, Laws of 2017, the Washington state arts commission declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records: Funds were not allocated for performing a study to calculate such actual costs and the agency lacks the necessary funds to perform a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential agency functions.

(2) The Washington state arts commission may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120, as amended by section 3, chapter 304, Laws of 2017.

(3) No fee shall be charged for the inspection of public records.

For all copying and/or duplicating service charges incurred, an invoice will be sent to the requestor. Reimbursement is payable within fifteen days of receipt of invoice payable to the Washington state arts commission. The commission may require that all charges be paid in advance of release of the copies of the records.

[Statutory Authority: RCW 43.46.040. WSR 18-02-086, § 30-04-060, filed 1/2/18, effective 2/2/18. Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-04-060, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-04-060, filed 7/12/95, effective 8/12/95; WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-060, filed 4/1/86.]

WAC 30-04-070 Exemptions. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 30-04-050 is exempt under the provisions of RCW 42.56.210.

(2) The commission reserves the right to allow the public to only inspect certain public records where there is reason to believe that the ability to copy such records would be a violation of contractual copyright agreements.

(3) In addition, pursuant to RCW 42.56.070, the commission reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.56 RCW. The public records officer will justify such deletion in writing.

(4) All denials of requests for public records must be accompanied by a written statement specifying the reason for the 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 withheld.

[Statutory Authority: RCW 43.46.040 and 43.46.081. WSR 10-02-089, § 30-04-070, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 43.46.040. WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-070, filed 4/1/86.]

WAC 30-04-080 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 rendering a written request for review to the public records officer. The written request shall specifically refer to the written statement by the public records officer or other staff which constituted or accompanied the denial.

(2) Immediately after receiving a written request or review of a decision denying a public record, the public records officer or other staff denying the request shall refer it to the executive director or designee. The executive director shall immediately 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 written request for review of the original denial.

(3) Administrative remedies shall not be considered exhausted until the executive director has returned the petition with a decision or until the close of the second business day following the request for review, whichever occurs first.

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-04-080, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 43.46.040. WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-080, filed 4/1/86.]

WAC 30-04-120 Records index. The commission shall establish a records index, which shall be made available for public review.

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-04-120, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 43.46.040 and 43.46.081. WSR 10-02-089, § 30-04-120, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 43.46.040. WSR 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-120, filed 4/1/86.]