

Chapter 67-10 WAC

PUBLIC RECORDS—DISCLOSURE

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

67-10-020	Description of organization of the department. [Statutory Authority: Chapter 74.18 RCW. WSR 88-09-006 (Order 88-1), § 67-10-020, filed 4/11/88. Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-020, filed 12/15/83. Formerly WAC 67-14-020.] Repealed by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361.
67-10-030	Location of established places. [Statutory Authority: Chapter 74.18 RCW. WSR 88-09-006 (Order 88-1), § 67-10-030, filed 4/11/88. Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-030, filed 12/15/83. Formerly WAC 67-14-030.] Repealed by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361.
67-10-040	Operations and procedures. [Statutory Authority: Chapter 74.18 RCW. WSR 88-09-006 (Order 88-1), § 67-10-040, filed 4/11/88. Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-040, filed 12/15/83. Formerly WAC 67-14-040.] Repealed by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361.
67-10-160	Adoption of forms. [Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-160, filed 12/15/83. Formerly WAC 67-14-160.] Repealed by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361.
67-10-180	Form 2—Request for photocopy of record(s). [Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-180, filed 12/15/83. Formerly WAC 67-14-180.] Repealed by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361.

WAC 67-10-010 Purpose. The department of services for the blind is an agency of state government created by chapter 194, Laws of 1983. It shall hereafter in this chapter be referred to as the "department." The chief executive officer of the department is the director. The director shall be appointed by the governor, with the consent of the senate.

The state rehabilitation council for the blind has the role of advising the department on issues affecting blind individuals across the state (reference WAC 67-10-025). The members are appointed by the governor. Terms are for a period of three years. State rehabilitation council members elect one of their members as chair for a term of one year.

The department's programs provide services statewide. The department has offices located throughout the state.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, § 67-10-010, filed 7/3/18, effective 8/3/18. Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-010, filed 12/15/83. Formerly WAC 67-14-010.]

WAC 67-10-025 State rehabilitation council for the blind. (1) The purpose of the state rehabilitation council for the blind is to:

- Review, analyze, and advise the department of its responsibilities under The Rehabilitation Act of 1973 including, vocational rehabilitation, business enterprise program, and independent living services;

- Partner with the department in the development and review of the VR state plan goals and priorities, the DSB strategic plan, reports, needs assessments, and program evaluation;

- Conduct a review and analysis of consumer satisfaction as it relates to the functions performed by the department, the services delivered, and outcomes achieved;

- Prepare and submit an annual report to the governor and the RSA commissioner, and make the report available to the public;

- Coordinate with other councils, as specified by The Rehabilitation Act of 1973, including, the state independent living council and centers for independent living;

- Advocate for people who are blind by making recommendations to the governor and the legislature on issues related to the department, other state agencies, or state laws which have a significant effect on the opportunities, services, or rights of blind persons;

- Advise and make recommendations to the governor on the criteria and qualifications pertinent to the selection of the department director;

- Perform other functions consistent with The Rehabilitation Act of 1973, comparable to other functions performed by the council, determined by the council.

(2) Members of the state rehabilitation council for the blind shall be appointed by the governor considering geographic representation, gender, ethnicity and other unique characteristics. Individuals who are blind must constitute a majority of the council.

Membership must also include the following represented groups:

- A consumer organization of the blind; two current or former recipients of vocational rehabilitation services;

- Four representatives of business, labor and industry;

- The state workforce investment board;

- The client assistance program;

- The parent information and training center;

- A current or former qualified vocational rehabilitation counselor who shall be a nonvoting member if currently employed by the department;

- A community rehabilitation program;

- The tribal vocational rehabilitation program;

- The office of the superintendent of public instruction;
- A representative of individuals who are blind who have difficulty representing themselves or are unable, due to their disabilities, to represent themselves;
- The Washington state independent living council;
- The executive director of the department who shall be a nonvoting member.

(3) Members are appointed to the state rehabilitation council for the blind for a term of three years. Members may seek reappointment for a second term. No member may serve more than two consecutive full terms, except for the CAP and tribal representative positions, or unless the governor finds it necessary to extend a position for a specified time in order to achieve required representation. If a vacancy occurs due to resignation or withdrawal prior to the end date of the term, the governor may appoint a new member who will serve out the remainder of the position's term to its scheduled end date.

A member's term may be ended at any time by the governor.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, § 67-10-025, filed 7/3/18, effective 8/3/18.]

WAC 67-10-050 Public records available. Public records are available for public inspection and copying pursuant to these rules except as otherwise provided by RCW 42.17.310 and these rules.

[Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-050, filed 12/15/83. Formerly WAC 67-14-050.]

WAC 67-10-060 Public records officer. The public records officer for the department shall be appointed by the director, for all records maintained by the department whether located at the headquarters office or at such other offices throughout the state maintained by the department. The public records officer shall be located at such central office. The public records officer shall be responsible for implementation of this chapter regarding release of public records, coordinating the staff of the department in this regard, generally insuring compliance by the staff with the public records disclosure requirements of RCW 42.17.250 through 42.17.320, and maintaining the records index of the department as required.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, § 67-10-060, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 88-09-006 (Order 88-1), § 67-10-060, filed 4/11/88. Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-060, filed 12/15/83. Formerly WAC 67-14-060.]

WAC 67-10-070 Records index. The department has available to all persons a current index which provides identifying information as to public records received, issued, adopted or promulgated since its inception. The current index adopted by the department 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: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-070, filed 12/15/83. Formerly WAC 67-14-070.]

WAC 67-10-080 Office hours. Public records shall be available for inspection and copying during the customary office hours of the department. For purposes of this chapter,

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the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, § 67-10-080, filed 7/3/18, effective 8/3/18. Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-080, filed 12/15/83. Formerly WAC 67-14-080.]

WAC 67-10-090 Requests for public records. In accordance with requirements of RCW 42.17.250 through 42.17.320 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 may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the department which shall be available at any office of the department during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the records;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(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 staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-090, filed 12/15/83. Formerly WAC 67-14-090.]

WAC 67-10-110 Copying fees. No fee shall be charged for the inspection of public records. The department will charge a per-page fee for providing copies of public records. If copies of photographs are requested, a fee will be charged for the duplication of such photographs. If copies of taped or brailled material are requested, fees will be charged for the duplication of such materials. Copying fees will be set at amounts equal to the actual costs to the department incident to such copying, including costs of materials, machinery, and personnel. The fees charged will be reviewed periodically to assure their accuracy, and shall be modified accordingly.

[Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-110, filed 12/15/83. Formerly WAC 67-14-110.]

WAC 67-10-120 Exemptions. (1) The department reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 67-10-090 is exempt under the provisions of RCW 42.17.310 and/or such other laws as may be deemed applicable.

(2) In addition, pursuant to RCW 42.17.260 the department reserves the right to delete identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details

would be an invasion of personal privacy. The public records officer will fully justify such deletion in writing.

(3) 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 record withheld.

[Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-120, filed 12/15/83. Formerly WAC 67-14-120.]

WAC 67-10-130 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. 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) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director. The director shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the members of the staff necessary to properly consider the matter and/or request a legal review thereof by the assistant attorney general representing the department. In any case, the request shall be returned with a final decision, within five business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the director has returned the petition with a decision or until the close of the fifth business day following denial of inspection, whichever occurs first.

[Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-130, filed 12/15/83. Formerly WAC 67-14-130.]

WAC 67-10-140 Protection of public records. The public records officer shall to the extent practicable insure that records requested are not removed from the premises nor portions thereof removed by members of the public.

[Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-140, filed 12/15/83. Formerly WAC 67-14-140.]

WAC 67-10-150 Consumer complaints and inquiries. Unless a consumer complainant or inquirer specifically provides to the contrary, the public records officer or other members of the staff are authorized when deemed appropriate to forward a copy of the letter or other writings pertinent to the complaint or inquiry to the firm or person which is the subject of the complaint or to any firm or person who may provide assistance relative to the complaint or inquiry.

[Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-150, filed 12/15/83. Formerly WAC 67-14-150.]

WAC 67-10-170 Public records request. A public records request form is available for inspection of records and copies of information requested. The requestor provides contact information including name, phone number, address, email address, and a description of the records.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, § 67-10-170, filed 7/3/18, effective 8/3/18. Statutory Authority: 1983 c 194 § 18. WSR 84-01-040 (Order 83-06), § 67-10-170, filed 12/15/83. Formerly WAC 67-14-170.]