

Chapter 72-276 WAC

PUBLIC RECORDS

WAC

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72-276-030	Agency description—Public records officer—Public records.
72-276-050	Public records available.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

72-276-020	Definitions. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-009, § 72-276-020, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-067, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 42.56.100.
72-276-040	Operations and procedures. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-009, § 72-276-040, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-067, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 42.56.100.
72-276-060	Public records officer. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-009, § 72-276-060, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-067, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 42.56.100.
72-276-070	Office hours. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-009, § 72-276-070, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-067, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 42.56.100.
72-276-080	Requests for public records. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-009, § 72-276-080, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-067, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 42.56.100.
72-276-090	Costs of providing copies of public records. [Statutory Authority: RCW 72.40.022 and 42.56.100. WSR 16-13-067, § 72-276-090, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-009, § 72-276-090, filed 7/19/90, effective 8/19/90.] Repealed by WSR 18-15-014, filed 7/9/18, effective 8/9/18. Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, as amended by 2017 c 304.
72-276-120	Protection of public records. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-009, § 72-276-120, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-067, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 42.56.100.
72-276-130	Records index. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-009, § 72-276-130, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-067, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 42.56.100.
72-276-140	Adoption of form. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-009, § 72-276-140, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-067, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 42.56.100.

WAC 72-276-010 Purpose. The purpose of the rules in this chapter is to establish the procedures Washington state school for the blind (school) will follow in order to provide full access to nonexempt public records. These rules provide information to persons requesting access to public records of the school and establish processes for both requestors and

school staff that are designed to best assist members of the public in obtaining access.

[Statutory Authority: RCW 72.40.022 and 42.56.100. WSR 16-13-067, § 72-276-010, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-009, § 72-276-010, filed 7/19/90, effective 8/19/90.]

WAC 72-276-030 Agency description—Public records officer—Public records. (1) Washington state school for the blind is a state agency and school established and organized under the authority of chapter 72.40 RCW. The administrative office of the school is located at 2214 East 13th Street, Vancouver, Washington.

(2) The school operates under the supervision and control of the superintendent of the state school for the blind, appointed by the governor. The superintendent takes such actions and promulgates such rules, regulations, and policies in harmony with the rules and regulations established by the office of superintendent of public instruction and the United States Department of Education, as are necessary to the administration and operation of the school.

(3) A board of trustees serves as an advisory board to the superintendent and to the legislature. The board consists of a member from each of the states' congressional districts and ex officio members representing specific interests and constituents of the school. The responsibilities and functions of the board are provided in chapter 72.41 RCW.

(4) The on-campus school is under the direction of the director of education/on-campus programs. Additional departments include outreach, instructional resource/braille production center, early intervention and outreach. An organizational chart is available at the administrative office of the school.

[Statutory Authority: RCW 72.40.022 and 42.56.100. WSR 16-13-067, § 72-276-030, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-009, § 72-276-030, filed 7/19/90, effective 8/19/90.]

WAC 72-276-050 Public records available. (1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the school, Monday through Friday, 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., excluding legal holidays and holidays established by the school calendar. Records must be inspected at the offices of the school.

(2) **Records index.** An index of public records is available for use by members of the public consisting of the records retention schedule according to record series title, manuals and policy statements by one or more of the following classifications: Administration, statewide (outreach) services, academic and residential life.

(3) **Organization of records.** The school will maintain its records in a reasonably organized manner. The school will take reasonable actions to protect records from damage and

disorganization. A requestor shall not take records from school offices without the permission of the public records officer or designee.

(4) Making a request for public records.

(a) Any person wishing to inspect or copy public records of the school should make the request in writing on the school's public records request form, or by letter, fax, or email addressed to the public records officer and including the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any email address;
- Identification of the public records adequate for the public records officer or designee to locate the records;
- The date and time of day of the request; and
- A verification that the records requested shall not be used for commercial purposes.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to WAC 72-276-090, standard photocopies will be provided at fifteen cents per page.

(c) A form is available for use by requestors at the office of the public records officer or online at the school's web site.

(d) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

[Statutory Authority: RCW 72.40.022 and 42.56.100. WSR 16-13-067, § 72-276-050, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.-022 and 42.17.250. WSR 90-16-009, § 72-276-050, filed 7/19/90, effective 8/19/90.]

WAC 72-276-055 Processing of public records requests. (1) **Order of processing public records requests.** The public records officer or designee will process requests in the order that allows the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- (c) Provide a reasonable estimate of when records will be available;
- (d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or
- (e) Deny the request.

(3) **If no response is received.** If the school does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to ensure that the school received the request.

(4) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for the affected persons to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the school believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) Inspection of records.

(a) Consistent with other demands, the school shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the school to copy.

(b) The requestor must claim or review the assembled records within thirty days of the school's notification to him or her that the records are available for inspection or copying. The school will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the school to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the school may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(7) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(8) **Electronic records.** The process for requesting electronic public records is the same as for requesting paper public records. When a person requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the school and is generally commercially available, or in a format that is reasonably translatable from the format in which the school keeps the record.

(9) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(10) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the school has completed a diligent search for the requested records and made any located nonexempt records available for inspection. Then the public records officer will close the request.

(11) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the school has closed the request.

(12) **Later discovered documents.** If, after the school has informed the requestor that it has provided all available records, the school becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

[Statutory Authority: RCW 72.40.022 and 42.56.100. WSR 16-13-067, § 72-276-055, filed 6/13/16, effective 7/14/16.]

WAC 72-276-095 Copying fees—Payments. (1) The following copy fees and payment procedures apply to requests to the school under chapter 42.56 RCW.

(2) Pursuant to RCW 42.56.120 (2)(b), the school is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The school does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential agency functions; and

(c) Through the 2017 legislative process, the public and requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3) and (4).

(3) The school will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The school will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the school may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The school may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the school are summarized in the fee schedule available on the school's web site at www.wssb.wa.gov.

(4) Requestors may be required to pay for copies in advance of receiving records. Fee waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer to waive copying fees when:

(i) All of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of one hundred printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule.

(7/9/18)

(b) Fee waivers are not applicable to records provided in installments.

(5) The public records officer may require an advance deposit of ten percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

(6) When requestors are required to pay in advance, fees must be paid in advance of release of the copies or an installment of copies, or in advance of when a deposit is required. The school will notify the requestor of when payment is due.

(7) Payment should be made by check or money order to the Washington State School for the Blind. The school prefers not to receive cash. For cash payments, it is within the public records officer's discretion to determine the denomination of bills and coins that will be accepted.

(8) The school will close a request when a requestor fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, as amended by 2017 c 304. WSR 18-15-014, § 72-276-095, filed 7/9/18, effective 8/9/18.]

WAC 72-276-100 Exemptions. (1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by the school for inspection and copying:

(a) The Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g;

(b) RCW 5.60.060(2), records subject to the attorney-client privilege; and

(c) RCW 42.56.290, attorney work-product involving a controversy.

(2) The school is prohibited by statute from disclosing lists of individuals for commercial purposes.

[Statutory Authority: RCW 72.40.022 and 42.56.100. WSR 16-13-067, § 72-276-100, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.-022 and 42.17.250. WSR 90-16-009, § 72-276-100, filed 7/19/90, effective 8/19/90.]

WAC 72-276-110 Review of denials of public records requests. (1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a request for a public record may petition in writing (including email) to the public records officer for prompt review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the public records officer's supervisor for review. That person will immediately consider the petition and either affirm or reverse the denial within two business days following the school's receipt of the petition, or within such other time as mutually agreed upon by the school and the requestor.

(3) **Review by the attorney general's office.** Pursuant to RCW 42.56.530, if the school denies a requestor access to

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public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

[Statutory Authority: RCW 72.40.022 and 42.56.100. WSR 16-13-067, § 72-276-110, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40-022 and 42.17.250. WSR 90-16-009, § 72-276-110, filed 7/19/90, effective 8/19/90.]