

Chapter 82-48 WAC

DISCLOSURE OF PUBLIC RECORDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

82-48-070	Commercial purposes. [Order 34, § 82-48-070, filed 9/16/76.] Repealed by WSR 05-01-004, filed 12/1/04, effective 1/2/05. Statutory Authority: RCW 42.17.260.
82-48-130	Agency rules for inspection and copying of public records. [Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-130, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-130, filed 9/16/76.] Repealed by WSR 18-09-018, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304.
82-48-170	Communications with the agency. [Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-170, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-170, filed 9/16/76.] Repealed by WSR 18-09-018, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304.

WAC 82-48-010 Purpose. The purpose of this chapter is to provide rules for the office of financial management to implement the provisions of chapter 42.56 RCW relating to public records.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304. WSR 18-09-018, § 82-48-010, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-010, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-010, filed 9/16/76.]

WAC 82-48-020 Definitions. The definitions set forth in RCW 42.56.010 shall apply to this chapter.

(1) "OFM" or agency means the office of financial management. Where appropriate, OFM or agency also refers to the staff and employees of the office of financial management.

(2) "Director" means the director of the office of financial management.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304. WSR 18-09-018, § 82-48-020, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-020, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-020, filed 9/16/76.]

WAC 82-48-030 Description of the office of financial management. OFM is the state agency having decision-making

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ing and operational responsibilities for the financial, management, and human resources affairs of state government in accordance with chapters 43.41 and 43.88 RCW. It is organized into a budget division, an accounting division, a state human resources division, and a forecasting and research division along with other divisions which support and augment these activities. OFM also provides administrative support for the governor's policy office, results Washington, serve Washington, and the office of regulatory and innovation assistance. OFM's central office is located at 302 Sid Snyder Avenue S.W. (Insurance Building on the Washington state capitol campus), Olympia, Washington. OFM has other offices also located in Olympia at 128 10th Avenue S. (the Raad building); 106 11th Avenue S.W. (the Helen Sommers building); and 1011 Plum Street S.E., Building 4.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304. WSR 18-09-018, § 82-48-030, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-030, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-030, filed 9/16/76.]

WAC 82-48-040 Responsibilities. The responsibilities of OFM include preparation of the governor's budget for presentation to the legislature and budget implementation monitoring, development and maintenance of the statewide financial and administrative systems central books of account, preparation of statewide financial reports, as well as budget and policy research and development of legislation to support the governor's policy goals. OFM also provides technical assistance to the governor and legislature by preparing notes and recommendations, based on information it has obtained, concerning needs and policies recommended for meeting these needs through state programs. In addition, OFM provides population estimates, monitors changes in the state economy and labor force, and plays a critical role in statewide human resources and public employee labor management relations. Finally, the Revised Code of Washington contains statutes that assign specific duties of an advisory, supervisory, regulatory or similar nature to the agency. All of these relate either directly or indirectly to the financial affairs of the state and its agencies.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304. WSR 18-09-018, § 82-48-040, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-040, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-040, filed 9/16/76.]

WAC 82-48-050 Method of operation. In carrying out its responsibilities, OFM receives information about the management and operation of state agencies and their programs. This information includes, but is not limited to: Budget proposals, short and long-range goals and the plans developed to meet them, present and projected workloads, capital and operating resource requirements, detailed and summary

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reports of current expenditures, financial commitments, etc. This information is obtained both on a routine basis and in response to requests from the executive and legislative branches. It is recorded and evaluated by OFM and becomes the basis for reports, recommendations, approval of expenditures and, in certain cases, for the establishment of firm criteria for the disbursement of state funds.

In obtaining the necessary data to perform these functions, OFM employs numerous methods of communication including, but not limited to: Reports submitted by state agencies, meetings with agency representatives, memoranda and informal contacts between its personnel and that of respondent agencies.

When necessary for the timely and uniform execution of its duties, OFM exercises its statutory power to place standardized reporting requirements upon other agencies of state government.

OFM has published and currently maintains the *State Administrative and Accounting Manual*, which contains policies and guidance for state agencies in fiscally related matters.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304. WSR 18-09-018, § 82-48-050, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-050, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-050, filed 9/16/76.]

WAC 82-48-060 Public records available. All public records of this agency, as defined in RCW 42.56.010, are available for public inspection and copying pursuant to these rules, except as otherwise provided by chapter 42.56 RCW, any other laws and these rules.

OFM's records are also available on the OFM web site at <http://ofm.wa.gov>. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304. WSR 18-09-018, § 82-48-060, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-060, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-060, filed 9/16/76.]

WAC 82-48-080 Public records officer. The public records officer is appointed by the director and shall be in charge of the agency's public records. The public records officer is located in the office of the director. Any person wishing to request access to public records of OFM, or seeking assistance in making such a request, should contact OFM's public records officer:

Public Records Officer
Office of Financial Management
302 Sid Snyder Avenue S.W.
P.O. Box 43113
Olympia, WA 98504-3113
publicdisclosure@ofm.wa.gov

Information is also available at OFM's web site at <http://www.ofm.wa.gov/publicrecords/default.asp>.

The public records officer shall be responsible for implementation of the agency's rules regarding release of public records for inspection and copying, coordinating the staff of the agency in this regard, and generally ensuring

compliance by the staff with the public records disclosure requirements of chapter 42.56 RCW. The public records officer may choose a designee, as may be necessary, to act in his or her absence to carry out the above-described responsibilities.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304. WSR 18-09-018, § 82-48-080, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-080, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-080, filed 9/16/76.]

WAC 82-48-090 Processing of public records requests—General. (1) Making a request for public records.

(a) Any person wishing to inspect or copy public records of OFM should make the request by email to public disclosure@ofm.wa.gov, or in writing on OFM's request form, available at <http://ofm.wa.gov/publicrecords/default.asp>, or by letter or fax addressed to the public records officer and including the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including email address and telephone number;
- The date of the request; and
- Identification of the public records. Records must be sufficiently described so that OFM may identify the record. A request for all or substantially all the agency's records is not a request for an identifiable record.

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

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

- (a) Provide the requested record or a link to the record online;
- (b) Provide a reasonable estimate of when records will be available;
- (c) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor; or
- (d) Deny the request.

(3) Notification of other affected parties. In the event that the requested records name or specifically pertain to a person, or contain information that may affect the rights of others, the public records officer may, prior to providing the records, give notice to such others who are named, to whom the records pertain, or whose rights may be affected by the disclosure. The purpose of such notice is both to make persons named in a record aware that such information is being released and to make it possible for those persons, should they choose to do so, 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.

(4) Records exempt from disclosure. By law, some records are exempt or prohibited from disclosure, in whole or in part. If OFM determines that a record or part of a record is exempt or prohibited from disclosure and should be withheld, the public records officer will deny the request as to that

record or portion of the record, and will identify the withheld record in general terms, state the specific exemption authorizing the withholding of the record or portion of the record, and provide a brief explanation of how the exemption applies to the record or portion of the record being withheld.

(5) Providing copies of records. Public records requested will be made available as promptly as is possible without excessive interference with the other essential functions of the agency, and in accordance with the requirement that agencies protect the requested records from damage or disorganization.

(6) Providing records in installments. When the request is for a large number of records, or if the records require substantial legal review to determine whether any exemptions apply, the public records officer may provide copies of the records in installments.

(7) Completion of request. When all requested copies of records are provided, the public records officer will indicate in writing that OFM has fulfilled its duties under the Public Records Act, and that the request is closed.

(8) Closing withdrawn or abandoned request. When the requestor withdraws the request or fails within thirty days to claim or review records or to pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that OFM has closed the request.

(9) Later discovered documents. If, after OFM has informed the requestor that it has provided all available records, it 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, at no charge, on an expedited basis.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304. WSR 18-09-018, § 82-48-090, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-090, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-090, filed 9/16/76.]

WAC 82-48-100 Processing of public records requests—Inspection of public records. (1) Requesting inspection of records. The process for requesting inspection of public records is the same as for requesting copies of public records.

(2) Providing records for inspection.

(a) Public records will be available for inspection and copying only during normal business hours of OFM, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays, and when staff are available to assist the requestor. Records must be inspected at the offices of OFM.

(b) Consistent with other demands, OFM shall endeavor to 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. Inspections will be conducted in accordance with the requirement that agencies protect the requested records from damage or disorganization. The requestor will indicate which, if any, documents he or she wishes the agency to copy.

(c) The requestor must claim or review the assembled records within thirty days of OFM's notification to him or her that the records are available for inspection or copying. If a requestor fails to claim or review the assembled records

within thirty days, the public records officer will close the request and indicate to the requestor that OFM has closed the request.

(d) When the request is for a large number of records, the public records officer may provide access for inspection in installments.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304. WSR 18-09-018, § 82-48-100, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-100, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-100, filed 9/16/76.]

WAC 82-48-110 Costs of providing copies of public records. (1) Costs of copying. OFM may charge a customized service charge, as permitted by law, for compiling or providing access to certain public records. OFM charges a fee for the copying of public records, including electronic records, as permitted by law. OFM has determined that calculating the actual costs of providing copies of records is unduly burdensome for the following reasons: (a) OFM does not have the resources to conduct a study to accurately determine the actual costs of such staff time; and (b) conducting such a study would interfere with other essential agency functions. Therefore, rather than charging the actual costs of copying paper and electronic records, OFM may charge the fees permitted by law. OFM may waive fees in accordance with its fee waiver schedule, published online at OFM's web site at <http://www.ofm.wa.gov/publicrecords/default.asp>.

Before making copies, the public records officer may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. Where records are provided on an installment basis, the public records officer may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.

(2) Actual costs of electronic storage media and mailing. OFM may charge actual costs of mailing public records, including the cost of the shipping container. Requestors who request a specific type of postal service, such as return receipt requested, will be charged accordingly. In addition, when OFM determines that it is in its best interest to confirm that the requestor has received the records, OFM may charge the requestor for return receipt requested. OFM may also charge actual costs for providing electronic storage media such as discs or USB thumb drives.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304. WSR 18-09-018, § 82-48-110, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-110, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-110, filed 9/16/76.]

WAC 82-48-120 Commercial purposes. No provisions of any rule contained in this chapter 82-48 WAC shall be construed as giving authority to any officer or OFM employee to give, sell, or provide access to lists of individuals requested for commercial purposes. If a list of individuals is included in the materials requested, OFM may require requestors to identify themselves and the purpose of their request, and provide a signed statement that the requestor will not use the list of individuals for commercial purposes. When OFM has some indication that a requested list of individuals

might be used for commercial purposes, OFM will investigate the request further. OFM will determine on a case-by-case basis whether such further investigation is necessary, based on the identity of the requestor, the nature of the records requested, and any other information available to OFM. When OFM determines further investigation is necessary, OFM will require requestors to identify the purpose of their request.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304. WSR 18-09-018, § 82-48-120, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-120, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-120, filed 9/16/76.]

WAC 82-48-140 Exemptions—Court protection.

OFM shall determine whether a public record or portion of a public record requested in accordance with the procedures outlined in chapter 82-48 WAC is exempt or prohibited from disclosure under the provisions of chapter 42.56 RCW or other applicable laws.

In addition, pursuant to RCW 42.56.070, OFM shall delete identifying details when it makes available any public record in cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.56 RCW.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304. WSR 18-09-018, § 82-48-140, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-140, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-140, filed 9/16/76.]

WAC 82-48-150 Review of denial of public records request. Upon denial of any request for public records, the requesting party may petition in writing (including email) to the director, with a copy to the public records officer, for review of such denial. The director or his or her designee shall review the denial and provide the results of such review in writing to the petitioner and the public records officer before the end of the second business day following the receipt of the request for review. This review will constitute final agency action for purposes of judicial review; however, under RCW 42.56.520, any person may seek judicial review upon the conclusion of two business days after the initial denial regardless of whether the internal agency review is complete.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304. WSR 18-09-018, § 82-48-150, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-150, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-150, filed 9/16/76.]

WAC 82-48-160 Records index. The office of financial management will maintain and make available for public inspection and copying an appropriate index in accordance with RCW 42.56.070.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, 42.56.520 and 2017 c 304. WSR 18-09-018, § 82-48-160, filed 4/10/18, effective 5/11/18. Statutory Authority: RCW 42.17.260. WSR 05-01-004, § 82-48-160, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-160, filed 9/16/76.]