

Chapter 132Y-320 WAC

PUBLIC RECORDS POLICY

WAC

132Y-320-010	Purpose.
132Y-320-020	Definitions.
132Y-320-030	Description of central and field organization of Community College District No. 23.
132Y-320-040	Operations and procedures.
132Y-320-050	Public records available.
132Y-320-060	Public records officer.
132Y-320-075	Requests for public records.
132Y-320-085	Fees.
132Y-320-095	Exemptions.
132Y-320-105	Review of denials of public records requests.
132Y-320-125	Records index.
132Y-320-135	Notification of affected persons.

RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-010, filed 6/6/89.]

WAC 132Y-320-020 Definitions. (1) "Public records" include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

(3) "Community College District No. 23" is an agency organized by statute pursuant to RCW 28B.50.040 and shall hereinafter be referred to as the "district." Where appropriate, the term district also refers to the board of trustees and employees of the district.

[Statutory Authority: RCW 28B.50.140. WSR 18-19-046, § 132Y-320-020, filed 9/14/18, effective 10/15/18. Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-020, filed 6/6/89.]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132Y-320-070	Office hours. [Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-070, filed 6/6/89.] Repealed by WSR 18-19-046, filed 9/14/18, effective 10/15/18. Statutory Authority: RCW 28B.50.140.
132Y-320-080	Requests for public records. [Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-080, filed 6/6/89.] Amended and decodified by WSR 18-19-046, filed 9/14/18, effective 10/15/18. Statutory Authority: RCW 28B.50.140. Recodified as § 132Y-320-075.
132Y-320-090	Copying. [Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-090, filed 6/6/89.] Repealed by WSR 18-19-046, filed 9/14/18, effective 10/15/18. Statutory Authority: RCW 28B.50.140.
132Y-320-100	Exemptions. [Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-100, filed 6/6/89.] Amended and decodified by WSR 18-19-046, filed 9/14/18, effective 10/15/18. Statutory Authority: RCW 28B.50.140. Recodified as § 132Y-320-095.
132Y-320-110	Review of denials of public records requests. [Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-110, filed 6/6/89.] Amended and decodified by WSR 18-19-046, filed 9/14/18, effective 10/15/18. Statutory Authority: RCW 28B.50.140. Recodified as § 132Y-320-105.
132Y-320-120	Protection of public records. [Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-120, filed 6/6/89.] Repealed by WSR 18-19-046, filed 9/14/18, effective 10/15/18. Statutory Authority: RCW 28B.50.140.
132Y-320-130	Records index. [Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-130, filed 6/6/89.] Decodified by WSR 18-19-046, filed 9/14/18, effective 10/15/18. Statutory Authority: RCW 28B.50.140. Recodified as § 132Y-320-125.
132Y-320-990	Appendix A—Request for public record to Community College District No. 23. [Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-990, filed 6/6/89.] Repealed by WSR 18-19-046, filed 9/14/18, effective 10/15/18. Statutory Authority: RCW 28B.50.140.

WAC 132Y-320-030 Description of central and field organization of Community College District No. 23. District No. 23 is a community college district organized under RCW 28B.50.040. The administrative office of the district and its staff is located at 20000 68th Avenue West, Lynnwood, Washington 98036.

[Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-030, filed 6/6/89.]

WAC 132Y-320-040 Operations and procedures. The district is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college district is operated under the supervision and control of a board of trustees. The board of trustees is made up of six members of whom five are appointed by the governor to a term of five years. The trustees exercise the powers and duties granted them under RCW 28B.50.140. The sixth trustee, also appointed by the governor, is a student who serves a one-year term.

[Statutory Authority: RCW 28B.50.140. WSR 18-19-046, § 132Y-320-040, filed 9/14/18, effective 10/15/18. Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-040, filed 6/6/89.]

WAC 132Y-320-010 Purpose. The purpose of this chapter shall be to ensure compliance by Community College District No. 23 with the provisions of chapter 42.56 RCW, commonly called the Public Records Act.

[Statutory Authority: RCW 28B.50.140. WSR 18-19-046, § 132Y-320-010, filed 9/14/18, effective 10/15/18. Statutory Authority: Chapter 28B.19

WAC 132Y-320-050 Public records available. (1) All public records of the district, as defined in WAC 132Y-320-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.56.210 through 42.56.470 and WAC 132Y-320-100 Exemptions. Records may be reviewed in person at the district office during regular office hours at no charge. Fees for providing copies of records may apply, in accordance with WAC 132Y-320-090.

(2) Requestors seeking to review records in person are asked to contact the public records officer by email, phone, or mail to schedule an appointment. Contact information for the public records officer is as follows:

Public Records Officer
Edmonds Community College
20000 68th Avenue West
Lynnwood, WA 98036
425-640-1400
records@edcc.edu

(3) The regular business hours of the public records office are from 9:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays and college closures.

[Statutory Authority: RCW 28B.50.140. WSR 18-19-046, § 132Y-320-050, filed 9/14/18, effective 10/15/18. Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-050, filed 6/6/89.]

WAC 132Y-320-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the college president. The person so designated shall be located in the administrative offices of the district. That person may in turn designate persons in the administrative office to implement this section. The public records officer and their designee(s) shall be responsible for the following: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district 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 will also be responsible for providing full access to public records made available for inspection, for protecting the records from damage or disorganization, and for preventing excessive interference with essential college functions. Public records made available for inspection may not be damaged or altered in any way or removed from the office without the permission of the public records officer.

[Statutory Authority: RCW 28B.50.140. WSR 18-19-046, § 132Y-320-060, filed 9/14/18, effective 10/15/18. Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-060, filed 6/6/89.]

WAC 132Y-320-075 Requests for public records. (1) The public records officer or their designee will provide the fullest assistance to any member of the public requesting to inspect the records of the district. However, a person seeking records must make a specific request for identifiable records and must clearly state that the inquiry is a public records

request. The district is under no legal obligation to create a new record to satisfy a records request.

(2) The district encourages requestors to use the public records request form made available by the public records office on the district's web site at www.edcc.edu. The form may be submitted online, by email, mail, fax, or presented to the public records officer, or to any member of the district's staff if the public records officer is not available, at the administrative offices of the district during customary office hours. If a request is made verbally, and the requestor has provided an email or mailing address, the public records officer will follow up with an email or letter confirming receipt of the request.

At a minimum, the request, regardless of how it is submitted, should include the following information:

- (a) The name of the person requesting the record;
- (b) The mailing address, email address, or phone number of the person requesting the record;
- (c) The time of day and calendar date on which the request was made;
- (d) The nature of the request;
- (e) A description of the specific record requested;
- (f) The manner in which the requestor would like to review the records.

(3) The public records officer or their designee will take action on a request for public records in as timely a manner as possible. In accordance with RCW 42.56.520, the requestor will receive a response within five days of receipt of the request by the district. If the request cannot be completed within five days, the public records officer will provide a reasonable time estimate for a complete response to the request. If the request is particularly large or complex, resulting in a large number of responsive documents and/or requiring significant redaction, the public records officer and the requestor may enter into an agreement by which the records are made available in installments at specified intervals.

(4) If the requestor fails to respond within thirty days to a request from the public records officer for clarification of all or part of the public records request, the request or part of the request requiring clarification will be considered withdrawn and no further action will be taken.

(5) The requestor must claim or review the assembled records within thirty days of receiving notification that the records are available for inspection or copying. 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 district will close the request and refile the assembled records.

[Statutory Authority: RCW 28B.50.140. WSR 18-19-046, amended and recodified as § 132Y-320-075, filed 9/14/18, effective 10/15/18. Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-080, filed 6/6/89.]

WAC 132Y-320-085 Fees. (1) In accordance with RCW 42.56.070(7) and 42.56.120, the district may charge fees for providing copies of public records. The district has determined that calculating the actual costs for providing copies would be unduly burdensome. This determination is based on the large number of factors involved in calculating the actual cost and the frequency with which these factors change. The district does not currently have accurate data

regarding these factors, nor does it have the resources or appropriated funds to conduct an actual cost study. The district cannot divert resources away from other critical district programs in order to perform such a cost study. Additionally, such a study would likely need to be repeated on a regular basis. Therefore, the district adopts the schedule of fees provided in RCW 42.56.120(2).

(2) No fee shall be charged for the inspection of public records, however, in some cases the district will charge a fee for providing copies of public records. These fees are summarized in the fee schedule available on the district's web site at www.edcc.edu.

These charges represent the amount necessary to reimburse the district for its actual costs incident to such copying and/or electronic document preparation. Additionally, the district may impose a customized service charge to cover its costs if the request requires the use of IT expertise to prepare data compilations or if such customized access services are not used by the agency for other business purposes. The district may require a ten percent deposit in advance if the fee for producing copies of responsive records will exceed one hundred dollars. All fees must be paid by credit or debit card, money order, cashier's check or cash in advance. The charges above may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

Upon request, the district will provide a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges.

(3) If the requestor fails to pay fees incurred for copying by the specified payment date, the district will close the request. In such a case, the requestor will receive notification at least ten business days in advance that the request will be closed for nonpayment.

[Statutory Authority: RCW 28B.50.140. WSR 18-19-046, § 132Y-320-085, filed 9/14/18, effective 10/15/18.]

WAC 132Y-320-095 Exemptions. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132Y-320-080 is exempt under the provisions of chapter 42.56 RCW.

In addition, documents are exempt from disclosure if any other statute exempts or prohibits disclosure. Requestors should be aware that some statutes outside the Public Records Act restrict the availability of some documents held by Community College District No. 23 for inspection and copying.

(2) Pursuant to RCW 42.56.210, the district also reserves the right to redact 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 protected by chapter 42.56 RCW and/or other applicable statutes. The public records officer or their designee will fully justify such redaction in writing.

(3) All denials of requests for public records will 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: RCW 28B.50.140. WSR 18-19-046, amended and recodified as § 132Y-320-095, filed 9/14/18, effective 10/15/18. Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-100, filed 6/6/89.]

WAC 132Y-320-105 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 within ten business days. The written request shall specifically refer to the written statement by the public records officer or their designee 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 their designee shall refer the request for review to the president of the college. The president or their designee shall consider the matter and either affirm or reverse such denial or consult with the attorney general to review the denial. In any case, the request shall be returned with a final decision within five business days following

receipt of the appeal by the district. The time for review of the denial may be extended by mutual agreement of the district and the requestor.

[Statutory Authority: RCW 28B.50.140. WSR 18-19-046, amended and recodified as § 132Y-320-105, filed 9/14/18, effective 10/15/18. Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-110, filed 6/6/89.]

WAC 132Y-320-125 Records index. (1) Index - The district has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or states an opinion of, or is asked to determine or state an opinion of, the rights of the state, the public, a subdivision of state government, or any private party.

(2) Availability - The current index promulgated 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.

[Statutory Authority: RCW 28B.50.140. WSR 18-19-046, recodified as § 132Y-320-125, filed 9/14/18, effective 10/15/18. Statutory Authority: Chapter 28B.19 RCW. WSR 89-12-057 (Resolution No. 89-5-4), § 132Y-320-130, filed 6/6/89.]

WAC 132Y-320-135 Notification of affected persons.

If the requested record is not exempt from release under WAC 132Y-320-100 and contains information which could identify an individual or agency, the district may notify the individual or agency thus identified that release of the record has been requested. In such cases the district's initial response to the request will allow a reasonable time for the identified individual or agency to seek court protection from release of the record.

[Statutory Authority: RCW 28B.50.140. WSR 18-19-046, § 132Y-320-135, filed 9/14/18, effective 10/15/18.]