

Chapter 148-276 WAC

PUBLIC RECORDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

148-276-020	Definitions. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-020, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-11-001, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 72.40.0191 and 42.56.100.
148-276-040	Operations and procedures. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-040, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-11-001, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 72.40.0191 and 42.56.100.
148-276-060	Public records officer. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-060, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-11-001, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 72.40.0191 and 42.56.100.
148-276-070	Office hours. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-070, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-11-001, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 72.40.0191 and 42.56.100.
148-276-080	Requests for public records. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-080, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-11-001, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 72.40.0191 and 42.56.100.
148-276-120	Protection of public records. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-120, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-11-001, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 72.40.0191 and 42.56.100.
148-276-130	Records index. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-130, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-11-001, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 72.40.0191 and 42.56.100.
148-276-140	Adoption of form. [Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-140, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-11-001, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 72.40.0191 and 42.56.100.

WAC 148-276-010 Purpose. The purpose of the rules in this chapter is to establish the procedures Washington state center for childhood deafness and hearing loss (center) 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 center and establish processes for both requestors and center staff that are designed to best assist members of the public in obtaining access.

[Statutory Authority: RCW 72.40.0191 and 42.56.100. WSR 16-11-001, § 148-276-010, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-010, filed 7/19/90, effective 8/19/90.]

(5/4/16)

WAC 148-276-030 Agency description—Public records officer—Public records. (1) The Washington state center for childhood deafness and hearing loss is a state agency established and organized under the authority of chapter 72.40 RCW to provide statewide leadership and support for the coordination of regionally delivered educational services and supports for children who are deaf or hard of hearing and promote the development of communication-rich learning environments for these children. The administrative office of the center is located at 611 Grand Boulevard, Vancouver, Washington 98661. The center manages and supervises the school for the deaf which is also located at 611 Grand Boulevard, Vancouver, Washington 98661.

(2) Any person wishing to request access to public records of the center, or seeking assistance in making such a request should contact the public records officer of the center:

Washington State Center for Childhood
Deafness and Hearing Loss
611 Grand Blvd.
Vancouver, WA 98661-4918
360-696-6525 (voice)
360-334-5448 (video phone)
360-696-6291 (fax)
Executive.Assistant@cdhl.wa.gov

(3) The public records officer will oversee compliance with the act but another center staff member may process the request. Therefore, these rules will refer to the public records officer or "designee." The public records officer or designee and the center will provide the "fullest assistance" to requestors; create and maintain for use by the public and center officials an index to public records of the center; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the center.

[Statutory Authority: RCW 72.40.0191 and 42.56.100. WSR 16-11-001, § 148-276-030, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-030, filed 7/19/90, effective 8/19/90.]

WAC 148-276-050 Public records available. (1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the center, 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 center.

(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.

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(3) **Organization of records.** The center will maintain its records in a reasonably organized manner. The center will take reasonable actions to protect records from damage and disorganization. A requestor shall not take center or school for the deaf records from center 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 center should make the request in writing on the center'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 148-276-090, 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 center'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 72.40.0191 and 42.56.100. WSR 16-11-001, § 148-276-050, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-050, filed 7/19/90, effective 8/19/90.]

WAC 148-276-055 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 or videophone. 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 center 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 center 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 center 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 center 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 center to copy.

(b) The requestor must claim or review the assembled records within thirty days of the center's notification to him or her that the records are available for inspection or copying. The center will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the center 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 center 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 center and is generally commercially available, or in a format that is reasonably translatable from the format in which the center 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 center 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 center has closed the request.

(12) **Later discovered documents.** If, after the center has informed the requestor that it has provided all available records, the center 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 72.40.0191 and 42.56.100. WSR 16-11-001, § 148-276-055, filed 5/4/16, effective 6/4/16.]

WAC 148-276-090 Costs of providing copies of public records. (1) **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for fifteen cents per page and color copies for twenty-five cents per page.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee 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. The center will not charge sales tax when it makes copies of public records.

(2) **Costs for electronic records.** The cost of electronic copies of records shall be five dollars for information on a CD-ROM. The cost of scanning existing center paper or other nonelectronic records is ten cents per page. There will be no charge for emailing electronic records to a requestor, unless another cost applies such as a scanning fee.

(3) **Costs of mailing.** The center may also charge actual costs of mailing, including the cost of the shipping container.

(4) **Payment.** Payment may be made by cash, check, or money order to the Washington state center for childhood deafness and hearing loss.

[Statutory Authority: RCW 72.40.0191 and 42.56.100. WSR 16-11-001, § 148-276-090, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-090, filed 7/19/90, effective 8/19/90.]

WAC 148-276-100 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 center 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 center is prohibited by statute from disclosing lists of individuals for commercial purposes.

[Statutory Authority: RCW 72.40.0191 and 42.56.100. WSR 16-11-001, § 148-276-100, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-100, filed 7/19/90, effective 8/19/90.]

WAC 148-276-110 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 center's receipt of the petition, or within such other time as mutually agreed upon by the center and the requestor.

(3) **Review by the attorney general's office.** Pursuant to RCW 42.56.530, if the center denies a requestor access to 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 72.40.0191 and 42.56.100. WSR 16-11-001, § 148-276-110, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-110, filed 7/19/90, effective 8/19/90.]