

# Chapter 182-04 WAC

## PUBLIC RECORDS

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

182-04-030	Public records officer. [Order 01-77, § 182-04-030, filed 8/26/77.] Repealed by WSR 97-21-125, filed 10/21/97, effective 11/21/97. Statutory Authority: RCW 41.05-160.
182-04-035	When can I inspect or obtain copies of documents? [Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-035, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-035, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-035, filed 8/26/77.] Repealed by WSR 18-07-067, filed 3/16/18, effective 4/16/18. RCW 41.05.021, 41.05.160 and 2017 c 304.
182-04-040	How do I make a public record request? [Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-040, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-040, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-040, filed 8/26/77.] Repealed by WSR 18-07-067, filed 3/16/18, effective 4/16/18. Statutory Authority: RCW 41.05.021, 41.05.160 and 2017 c 304.
182-04-050	What happens if the record I requested is exempt from disclosure? [Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-050, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-050, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-050, filed 8/26/77.] Repealed by WSR 18-07-067, filed 3/16/18, effective 4/16/18. Statutory Authority: RCW 41.05.021, 41.05.160 and 2017 c 304.
182-04-060	Protection of public records. [Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-060, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-060, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-060, filed 8/26/77.] Repealed by WSR 18-07-067, filed 3/16/18, effective 4/16/18. Statutory Authority: RCW 41.05.021, 41.05-160 and 2017 c 304.
182-04-065	Communication with the board. [Order 01-77, § 182-04-065, filed 8/26/77.] Repealed by WSR 97-21-125, filed 10/21/97, effective 11/21/97. Statutory Authority: RCW 41.05.160.
182-04-070	Request for inspection of records. [Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-070, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160 and chapter 41.05 RCW. WSR 98-17-063, § 182-04-070, filed 8/17/98, effective 9/17/98. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-070, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-070, filed 8/26/77.] Repealed by WSR 18-07-067, filed 3/16/18, effective 4/16/18. Statutory Authority: RCW 41.05.021, 41.05.160 and 2017 c 304.

**WAC 182-04-010 Purpose.** This chapter provides rules for the Washington state health care authority (agency) to comply with the provisions of chapter 42.56 RCW for access to public records.

[Statutory Authority: RCW 41.05.021, 41.05.160 and 2017 c 304. WSR 18-07-067, § 182-04-010, filed 3/16/18, effective 4/16/18. Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-010, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-010, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-010, filed 8/26/77.]

**WAC 182-04-015 Definitions.** The following definitions apply to this chapter:

- (1) "Agency" means the Washington state health care authority.
- (2) "Public record" - See RCW 42.56.010.
- (3) "Writing" - See RCW 42.56.010.

[Statutory Authority: RCW 41.05.021, 41.05.160 and 2017 c 304. WSR 18-07-067, § 182-04-015, filed 3/16/18, effective 4/16/18. Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-015, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-015, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-015, filed 8/26/77.]

**WAC 182-04-020 Public records officer.** The agency's public records officer oversees:

- (1) Responses to all requests for agency public records;
- (2) The release of public records; and
- (3) The coordination of agency public records staff.

[Statutory Authority: RCW 41.05.021, 41.05.160 and 2017 c 304. WSR 18-07-067, § 182-04-020, filed 3/16/18, effective 4/16/18. Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-020, filed 8/27/10, effective 9/27/10.]

### WAC 182-04-023 Public records—How to submit.

(1) Public records requests should be made in writing. The agency accepts public records requests:

- (a) Made orally by telephone or in person; or
- (b) Sent by email, fax, mail, hand delivery, or commercial delivery.

(2) A public records request form is available on the agency web site or by contacting the agency's public records officer.

(3) If the agency's form is not used, the public records request should include:

- (a) The requestor's name and contact information;
- (b) The date of the request;
- (c) A detailed description of an identifiable record, as described in RCW 42.56.080(1);
- (d) The requestor's preferred format and delivery method for the requested records; and
- (e) Any factors the requestor would like the agency to consider when deciding whether not to charge for or reduce the costs to copy and deliver the records.

(4) The agency may ask a person requesting a public record for personal identification when a law allows a record to be disclosed only to a specific person.

(5) The public records officer or designee assists requestors with identifying the public records requested, if necessary.

[Statutory Authority: RCW 41.05.021, 41.05.160 and 2017 c 304. WSR 18-07-067, § 182-04-023, filed 3/16/18, effective 4/16/18.]

**WAC 182-04-025 Response to public records requests.** (1) Except as provided by law, the agency makes public records available following a public records request for inspection, or copying, or both.

(2) The agency provides a written response within five business days of receiving a request for public records.

(a) A business day is 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding Saturday, Sunday, and recognized holidays described in WAC 357-31-005.

(b) The agency treats a request received on a Saturday, Sunday, recognized holiday, or after 5:00 p.m. on any other day as received on the next business day.

(3) When responding to the requestor, the agency's public records officer, or designee:

(a) Provides the requested records;

(b) Acknowledges the request and gives a reasonable estimate of the time needed to provide the records. If the request is not for an identifiable record, the public records officer or designee asks for more information. (See WAC 182-04-027.) If the requestor does not respond to the agency's request for clarification, the public records officer or designee need not respond to the public records request and may consider the request closed; or

(c) Denies all or part of the public records request in writing as required by RCW 42.56.070(1), to include:

(i) The specific exemption authorizing the agency to withhold part or all of the record;

(ii) A brief explanation of how the exemption applies to the records or parts of the records withheld; and

(iii) The right to request agency review of the denial and information about how to make that request.

(4) At the public records officer's discretion, the agency may send the requested records by email, fax, or regular mail. The agency sends the requested records as hard copies or in an electronic format. The agency works with the requestor to send records in a method and format requested by the requestor that is used by the agency.

[Statutory Authority: RCW 41.05.021, 41.05.160 and 2017 c 304. WSR 18-07-067, § 182-04-025, filed 3/16/18, effective 4/16/18. Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-025, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-025, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-025, filed 8/26/77.]

**WAC 182-04-027 Additional time to respond to a public records request.** The agency may extend the time to respond to a public records request when necessary to:

(1) Identify and gather the records requested;

(2) Notify a person or organization affected by the request;

(3) Perform a comprehensive review to determine whether all or portions of the responsive records are exempt from disclosure; or

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(4) Contact the requestor to clarify part or all of the request.

[Statutory Authority: RCW 41.05.021, 41.05.160 and 2017 c 304. WSR 18-07-067, § 182-04-027, filed 3/16/18, effective 4/16/18. Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-027, filed 8/27/10, effective 9/27/10.]

**WAC 182-04-029 Inspection of public records.** (1) All of the agency's public records are available for inspection and copying unless they are exempt from disclosure by chapter 42.56, 70.02 RCW, or other applicable law.

(2) People may inspect public records with an agency employee present at the agency's offices between 9:00 a.m. and 12:00 p.m. and between 1:00 p.m. and 4:00 p.m. during business days as defined in WAC 182-04-025 (2)(a). Records are not available for inspection if the agency is closed during a business day for reasons such as inclement weather or emergencies.

(3) During inspection, public records must:

(a) Not be removed from the agency's offices.

(b) Not be marked, torn, or otherwise damaged.

(c) Be kept as they are filed or in a chronological manner.

(d) Not be taken apart except for copying by an agency employee.

(4) The agency restricts access to file cabinets and other places where public records are kept.

(5) The agency reserves the right to restrict access to public records if the agency determines it is necessary to preserve the integrity of the public records or prevent interference with the agency's essential business functions. This does not limit the agency's duty to provide public records to the requestor. If the agency restricts access to requested public records, the agency promptly provides the requestor with:

(a) Written notice of the restriction, including the reason for restricting access; and

(b) Copies of the restricted records at no charge.

[Statutory Authority: RCW 41.05.021, 41.05.160 and 2017 c 304. WSR 18-07-067, § 182-04-029, filed 3/16/18, effective 4/16/18. Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-029, filed 8/27/10, effective 9/27/10.]

**WAC 182-04-041 Preserving requested records.** If the agency receives a public records request when the record exists but is scheduled for destruction in the near future, the public records officer or designee retains the record and does not destroy or erase the record until the request is resolved.

[Statutory Authority: RCW 41.05.021, 41.05.160 and 2017 c 304. WSR 18-07-067, § 182-04-041, filed 3/16/18, effective 4/16/18. Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-041, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-041, filed 10/21/97, effective 11/21/97.]

**WAC 182-04-045 Copying costs.** (1) The agency does not charge a fee to inspect public records.

(2) Under RCW 42.56.120 (2)(b), the agency does not calculate all actual costs to copy records as it would be unduly burdensome because:

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

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

(3/16/18)

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

(3) The agency charges for copies of records under the default fees in RCW 42.56.120 (2)(b) and (c).

(4) The agency charges for customized services under RCW 42.56.120(3).

(5) Under RCW 42.56.130, the agency may charge other copy fees authorized by statutes outside of chapter 42.56 RCW.

(6) The agency may enter into a contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee agreement for copying charges under RCW 42.56.120(4).

(7) Before copying any records, the agency provides the requestor with the estimated copying charge. The requestor may revise the request to limit the number of records copied and the applicable copying charges.

(8) The agency may waive the costs to copy or deliver requested records, including any charges for customized services under RCW 42.56.120(4).

[Statutory Authority: RCW 41.05.021, 41.05.160 and 2017 c 304. WSR 18-07-067, § 182-04-045, filed 3/16/18, effective 4/16/18. Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-045, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-045, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-045, filed 8/26/77.]

**WAC 182-04-055 Agency review of a denied request.**

(1) If the agency denies all or part of a public records request, the requestor may ask, in writing, that the agency review the denial.

(2) After receiving a written request to review a decision denying all or part of a public records request, the agency considers the matter and either affirms or reverses the denial, or affirms part of the denial and reverses the remaining part of it. This decision is the agency's final action for the purposes of judicial review under RCW 42.56.520.

[Statutory Authority: RCW 41.05.021, 41.05.160 and 2017 c 304. WSR 18-07-067, § 182-04-055, filed 3/16/18, effective 4/16/18. Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-055, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-055, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-055, filed 8/26/77.]