

Chapter 286-06 WAC

PUBLIC RECORDS

WAC

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 286-06-130 Records index. [Order 73-4, § 286-06-130, filed 12/19/73.] Repealed by WSR 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.-060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
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 286-06-150 Adoption of form. [Order 73-4, § 286-06-150, filed 12/19/73.] Repealed by WSR 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
 286-06-990 Appendix A—Form—Request for public record. [Order 73-4, Appendix A (codified as WAC 286-06-990), filed 12/19/73.] Repealed by WSR 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

286-06-010 Purpose. [Statutory Authority: RCW 43.99.010, 43.99.-110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. WSR 83-01-030 (Order IAC 82-1), § 286-06-010, filed 12/8/82; Order 73-4, § 286-06-010, filed 12/19/73.] Repealed by WSR 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
 286-06-020 Definitions. [Statutory Authority: Chapter 43.99 RCW. WSR 78-03-032 (Order 78-1), § 286-06-020, filed 2/17/78; Order 73-4, § 286-06-020, filed 12/19/73.] Repealed by WSR 83-01-030 (Order IAC 82-1), filed 12/1/82. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240.
 286-06-030 Description of the organization of the interagency committee for outdoor recreation. [Order 73-4, § 286-06-030, filed 12/19/73.] Repealed by WSR 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
 286-06-040 Operations and procedures. [Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. WSR 83-01-030 (Order IAC 82-1), § 286-06-040, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. WSR 78-03-032 (Order 78-1), § 286-06-040, filed 2/17/78; Order 73-4, § 286-06-040, filed 12/19/73.] Repealed by WSR 94-17-095, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720.
 286-06-045 Office and the salmon recovery funding board. [Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-06-045, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. WSR 01-17-056, § 286-06-045, filed 8/14/01, effective 9/14/01.] Repealed by WSR 14-22-100, filed 11/4/14, effective 12/5/14. Statutory Authority: RCW 42.56.040.
 286-06-065 Indexes. [Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-06-065, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. WSR 01-17-056, § 286-06-065, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 42.17.260. WSR 98-08-014, § 286-06-065, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. WSR 94-17-095, § 286-06-065, filed 8/17/94, effective 9/17/94.] Repealed by WSR 14-22-100, filed 11/4/14, effective 12/5/14. Statutory Authority: RCW 42.56.040.
 286-06-120 Protection of public records. [Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. WSR 01-17-056, § 286-06-120, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5),

WAC 286-06-050 Authority and purposes. (1) RCW 42.56.070(1) of the Public Records Act requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to 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 the agency. RCW 42.56.070(2) also requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.

(2) The purpose of these rules is to establish the procedures the office will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the office and establish processes for both requestors and the office staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the Public Records Act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the office will be guided by the provisions of the act describing its purposes and interpretation.

[Statutory Authority: RCW 42.56.040. WSR 14-22-100, § 286-06-050, filed 11/4/14, effective 12/5/14. Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-06-050, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 34.05.370, 46.09.-240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. WSR 01-17-056, § 286-06-050, filed 8/14/01, effective 9/14/01. Statutory Author-

ity: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. WSR 94-17-095, § 286-06-050, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. WSR 83-01-030 (Order IAC 82-1), § 286-06-050, filed 12/8/82; Order 73-4, § 286-06-050, filed 12/19/73.]

WAC 286-06-060 Agency description—Contact information—Public records officer. (1) The office manages grant programs to create outdoor recreation opportunities, protect the best of the state's wildlife habitat and farmland, and help return salmon from near extinction. The office also provides staff support to various boards, councils, and working groups as assigned by the governor or the legislature. The office is located at 1111 Washington Street S.E., Olympia, WA 98501. The office does not have field offices.

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

Public Records Officer
Recreation and Conservation Office
P.O. Box 40917
Olympia, WA 98504-0917
360-902-3000
Fax: 360-902-3026
PDandR@rco.wa.gov

Information is also available at the office's web site at www.rco.wa.gov.

(3) The public records officer will oversee compliance with the Public Records Act but another office 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 office will provide the "fullest assistance" to requestors; create and maintain for use by the public and office officials an index to public records of the office; 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 office.

[Statutory Authority: RCW 42.56.040. WSR 14-22-100, § 286-06-060, filed 11/4/14, effective 12/5/14. Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-06-060, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 34.05.370, 46.09.-240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. WSR 01-17-056, § 286-06-060, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. WSR 94-17-095, § 286-06-060, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. WSR 83-01-030 (Order IAC 82-1), § 286-06-060, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. WSR 78-03-032 (Order 78-1), § 286-06-060, filed 2/17/78; Order 73-4, § 286-06-060, filed 12/19/73.]

WAC 286-06-070 Availability of public records. (1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the office, from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

(2) **Records index.**

(a) An index of public records is available for use by members of the public, including:

- (i) Archived files;
- (ii) Equipment inventory;

(ii) Office and board policies and procedures, including manuals;

(iv) Active project files;

(v) Publications such as brochures and special reports;

(vi) Policy statements entered after June 30, 1990, as defined in RCW 34.05.010, including grant program manuals; and

(vii) Rule-making files, as described in RCW 34.05.370, for each rule proposed for adoption in the Washington State Register and adopted.

(b) Before June 30, 1990, the office did not maintain an index of:

(i) Declaratory orders containing analysis or decisions of substantial importance to the office in carrying out its duties;

(ii) Interpretive statements as defined in RCW 34.05.010; and

(iii) Policy statements as defined in RCW 34.05.010.

(c) The following general records and files are available by reference to topic, and generally arranged alphabetically or chronologically within such topic. Due to volume, costs, and complexity; however, no master index is maintained:

(i) Administrative files;

(ii) Comprehensive park-recreation plans;

(iii) Summaries of office staff meetings;

(iv) Closed or inactive project files;

(v) General correspondence;

(vi) Attorney general opinions;

(vii) Financial records;

(viii) Summaries and memoranda of office and board meetings;

(ix) Final adjudicative proceeding orders entered after June 30, 1990, as defined in RCW 34.05.010 that contain an analysis or decision of substantial importance to the office or board in carrying out its duties (each listed alphabetically by subject with a phrase describing the issue or issues and relevant citations of law);

(x) Declaratory orders entered after June 10, 1990, that contain an analysis or decision of substantial importance to the office or board in carrying out its duties (each listed alphabetically by case name with a phrase describing the issue or issues and relevant citations of law); and

(xi) Interpretive statements as defined in RCW 34.05.-010 (each indexed by the office or board program).

(3) **Organization of records.** The office will maintain its records in a reasonably organized manner. The office will take reasonable actions to protect records from damage and disorganization. A requestor shall not take records from the office without the permission of the public records officer or designee. A variety of records is available on the office's web site at www.rco.wa.gov. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) **Making a request for public records.**

(a) Any person wishing to inspect or copy public records of the office should make the request in writing on the office's request form, or by letter, fax, or email addressed to the public records officer and include 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; and
- The date and time of day of the request.

(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.

(c) A form is available for use by requestors at the office of the public records officer and online at www.rco.wa.gov.

(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.

(5) A public records request must be for identifiable records. A request for all or substantially all records prepared, owned, used, or retained by an agency is not a valid request for identifiable records under this chapter, provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of an agency's records.

(6) An agency may deny a bot request that is one of multiple requests from the requestor to the agency within a twenty-four hour period, if the agency establishes that responding to the multiple requests would cause excessive interference with other essential functions of the office. For purposes of this subsection, "bot request" means a request for public records that an office reasonably believes was automatically generated by a computer program or script.

[Statutory Authority: Chapters 42.56 and 34.05 RCW. WSR 18-05-016, § 286-06-070, filed 2/8/18, effective 3/11/18. Statutory Authority: RCW 42.56.040. WSR 14-22-100, § 286-06-070, filed 11/4/14, effective 12/5/14. Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-06-070, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. WSR 94-17-095, § 286-06-070, filed 8/17/94, effective 9/17/94; Order 73-4, § 286-06-070, filed 12/19/73.]

WAC 286-06-080 Processing of public records requests—General. (1) **Providing "fullest assistance."** The office is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing 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:

- Make the records available for inspection or copying;
- 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;
- Provide a reasonable estimate of when records will be available;
- 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) **Consequences of failure to respond.** If the office 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 determine the reason for the failure to respond.

(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 those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, 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 office 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 office shall provide space to inspect public records. Records must be inspected at the office. 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 office to copy.

(b) The requestor must claim or review the assembled records within thirty days of the office's notification to him or her that the records are available for inspection or copying. The office will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the office 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 office 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) **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.

(9) **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 in writing that the office has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(10) **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 in writing to the requestor that the office has closed the request.

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

[Statutory Authority: RCW 42.56.040, WSR 14-22-100, § 286-06-080, filed 11/4/14, effective 12/5/14. Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040, WSR 14-09-074, § 286-06-080, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 34.05.370, 46.09.-240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW, WSR 01-17-056, § 286-06-080, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720, WSR 94-17-095, § 286-06-080, filed 8/17/94, effective 9/17/94; Order 73-4, § 286-06-080, filed 12/19/73.]

WAC 286-06-085 Processing of public records requests—Electronic records. (1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** When a requestor 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 office and is generally commercially available, or in a format that is reasonably translatable from the format in which the office keeps the record. Costs for providing electronic records are governed by WAC 44-14-07003.

(3) **Customized access to databases.** With the consent of the requestor, the office may provide customized access under RCW 43.41A.130 if the record is not reasonably locatable or not reasonably translatable into the format requested. The office may charge a fee consistent with RCW 43.105.355 for such customized access.

[Statutory Authority: Chapters 42.56 and 34.05 RCW, WSR 18-05-016, § 286-06-085, filed 2/8/18, effective 3/11/18. Statutory Authority: RCW 42.56.040, WSR 14-22-100, § 286-06-085, filed 11/4/14, effective 12/5/14.]

WAC 286-06-090 Costs of providing copies of public records. (1) **Costs for paper and electronic copies.** The following copy fees and payment procedures apply to requests to the office under chapter 42.56 RCW.

(2) Pursuant to RCW 42.56.120 (2)(b), as amended by section 3, chapter 304, Laws of 2017, the office will not be calculating actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The office 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.

(3) The office will charge for copies of records consistent with the fee schedule established in RCW 42.56.120(2).

(a) No fee shall be charged for the inspection of public records or locating public documents and making them available for copying, unless another cost applies such as a copy fee;

(b) Fifteen cents per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of agency equipment to photocopy public records;

(c) Ten cents per page for public records scanned into an electronic format or for the use of agency equipment to scan the records;

(d) Five cents per each four electronic files or attachments uploaded to email, cloud-based data storage service, or other means of electronic delivery;

(e) Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically;

(f) The cost of any digital storage media or device provided by the office, the cost of any envelope or container used to mail the copies to the requestor, and the cost of any postage or delivery charge;

(g) The office will not charge sales tax when it makes copies of public records unless it uses an outside vendor to make the copies;

(h) A requestor may ask the office to provide, and if requested the office shall provide, an estimated summary of the applicable charges before any copies or scans are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges;

(i) The office shall not impose copying charges under this section for access to or downloading of records that the agency routinely posts on its public internet web site prior to receipt of a request unless the requestor has specifically requested that the agency provide copies of such records through other means;

(j) The office shall take reasonable steps to provide the records in the most efficient manner available to the agency in its normal operations;

(k) The charges for copying methods used by the office are summarized in the fee schedule available on the office's web site at www.rco.wa.gov.

(4) Fee waivers are an exception and are available for some small requests under the following conditions:

It is within the discretion of the public records officer to waive copying fees when: (a) All of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or (b) 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.

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

(6) All required 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 office will notify the requestor of when payment is due.

(7) Payment should be made by check or money order to the recreation and conservation office. The office will not accept cash payment.

(8) The office 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: Chapters 42.56 and 34.05 RCW. WSR 18-05-016, § 286-06-090, filed 2/8/18, effective 3/11/18. Statutory Authority: RCW 42.56.040. WSR 14-22-100, § 286-06-090, filed 11/4/14, effective 12/5/14. Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-06-090, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.-070, 79A.25.080, chapter 42.17 RCW. WSR 01-17-056, § 286-06-090, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. WSR 94-17-095, § 286-06-090, filed 8/17/94, effective 9/17/94; Order 73-4, § 286-06-090, filed 12/19/73.]

WAC 286-06-100 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 that restrict the availability of some documents held by office for inspection and copying. Exemptions may include:

- **Archaeological site records:** Maps or other information identifying location of site or sites (RCW 42.56.300);

- **Preliminary documents:** Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended unless cited publicly or within an official public record (RCW 42.56.280);

- **Personal information:** Information not related to disciplinary action or performance as a state employee (e.g., payroll records, examination questions, medical condition information, Social Security number, residence address, personal phone numbers, and personal email addresses) (RCW 42.56.230, 42.56.250, 42.56.210(1));

- **Real estate appraisals:** Real estate appraisals relative to the acquisition of property, until the prospective sale is abandoned or completed (RCW 42.56.260); and

- **Farm plans:** Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator, and farm plans developed under chapter 90.48 RCW and not under the federal Clean Water Act, 33 U.S.C. Sec. 1251 et seq. (RCW 42.56.270).

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

[Statutory Authority: RCW 42.56.040. WSR 14-22-100, § 286-06-100, filed 11/4/14, effective 12/5/14. Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-06-100, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 34.05.370, 46.09.-240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. WSR

(2/8/18)

01-17-056, § 286-06-100, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. WSR 94-17-095, § 286-06-100, filed 8/17/94, effective 9/17/94; Order 73-4, § 286-06-100, filed 12/19/73.]

WAC 286-06-110 Review of denials of public records. (1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer for a 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 director. The director will immediately consider the petition and either affirm or reverse the denial within two business days following the office's receipt of the petition, or within such other time as the office and the requestor mutually agree to.

(3) **Review by the attorney general's office.** Pursuant to RCW 42.56.530, if the office 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 42.56.040. WSR 14-22-100, § 286-06-110, filed 11/4/14, effective 12/5/14. Statutory Authority: 2007 c 241 § 39, RCW 34.05.220, 34.05.230, and 42.56.040. WSR 14-09-074, § 286-06-110, filed 4/18/14, effective 5/19/14. Statutory Authority: RCW 34.05.370, 46.09.240(1), 79A.25.210, 79A.15.070, 79A.25.080, chapter 42.17 RCW. WSR 01-17-056, § 286-06-110, filed 8/14/01, effective 9/14/01. Statutory Authority: RCW 43.98A.060(1), [43.98A].070(5), 43.99.080, 46.09.240 and 77.12.720. WSR 94-17-095, § 286-06-110, filed 8/17/94, effective 9/17/94. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. WSR 83-01-030 (Order IAC 82-1), § 286-06-110, filed 12/8/82; Order 73-4, § 286-06-110, filed 12/19/73.]