

Chapter 296-06 WAC

PUBLIC RECORDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-06-060	Substantive rules, general policy statements and interpretations of general applicability. [Order 73-12, § 296-06-060, filed 7/31/73.] Repealed by Order 76-27, filed 9/28/76.
296-06-070	Public records available. [Order 73-12, § 296-06-070, filed 7/31/73.] Repealed by Order 76-27, filed 9/28/76.
296-06-160	Procedure for copying public records. [Order 73-12, § 296-06-160, filed 7/31/73.] Repealed by Order 76-27, filed 9/28/76.
296-06-170	Records index. [Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 90-07-004, § 296-06-170, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-170, filed 9/28/76; Order 73-12, § 296-06-170, filed 7/31/73.] Repealed by WSR 05-09-059, filed 4/19/05, effective 5/20/05. Statutory Authority: RCW 42.17.260 (5).
296-06-180	Department final opinions and orders not indexed. [Order 73-12, § 296-06-180, filed 7/31/73.] Repealed by Order 76-27, filed 9/28/76.
296-06-190	Instructions to staff in individual cases not indexed. [Order 73-12, § 296-06-190, filed 7/31/73.] Repealed by Order 76-27, filed 9/28/76.
296-06-200	Factual staff reports, etc., not indexed in individual cases. [Order 73-12, § 296-06-200, filed 7/31/73.] Repealed by Order 76-27, filed 9/28/76.
296-06-210	Correspondence and materials not indexed. [Order 73-12, § 296-06-210, filed 7/31/73.] Repealed by Order 76-27, filed 9/28/76.
296-06-220	Communications regarding public records. [Order 73-12, § 296-06-220, filed 7/31/73.] Repealed by Order 76-27, filed 9/28/76.
296-06-230	Adoption of form. [Order 73-12, § 296-06-230, filed 7/31/73.] Repealed by Order 76-27, filed 9/28/76.
296-06-240	Maintenance of index. [Order 73-11, § 296-06-240, filed 7/31/73.] Repealed by Order 76-27, filed 9/28/76.
296-06-990	Appendix A—Form—Department of labor and industries authorization to inspect or copy public records in which an individual has a right of privacy. [Order 73-12, Appendix A (codified as WAC 296-06-990), filed 7/31/73.] Repealed by WSR 90-07-004, filed 3/9/90, effective 4/9/90. Statutory Authority: RCW 51.04.020 (4) and 51.04.030.
296-06-99001	Appendix B—Form—Request for public records under the provisions of chapter 1, Laws of 1973 (Initiative 276). [Order 73-12, Appendix B (codified as WAC 296-06-99001), filed 7/31/73.] Repealed by WSR 90-07-004, filed 3/9/90, effective 4/9/90. Statutory Authority: RCW 51.04.020(4) and 51.04.030.

WAC 296-06-010 Purpose. The department of labor and industries (L&I) is an agency of state government created by RCW 43.17.010. In this chapter it shall be referred to as the "department." Where appropriate, "department" also refers to its staff and employees. The purpose of this chapter is to ensure compliance with the public records provisions of chapter 42.17 RCW.

[Statutory Authority: Chapter 43.17 RCW, RCW 42.17.250, [42.17].251, 51.04.020, 51.04.030, and 2005 c 483. WSR 05-13-151, § 296-06-010, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 90-07-004, § 296-06-010, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-010, filed 9/28/76; Order 73-12, § 296-06-010, filed 7/31/73.]

WAC 296-06-020 Description of department organization. (1) **Central organization.** The chief executive officer of the department is the director of labor and industries, referred to here as "director." The director is appointed by the governor with the consent of the senate and serves at the pleasure of the governor. The department is organized in six regions across five divisions: Insurance services, WISHA (Washington Industrial Safety and Health Act) services, specialty compliance services, operations, and field services. Each region and division is responsible to a deputy director or assistant director appointed by the director. Major policy decisions, rule-making, and the primary administrative functions of the department are carried out by the department's central organizations in Olympia.

(2) Field services.

The department maintains service locations, or major field offices, in many cities. These service locations are grouped into six regions throughout the state, each headed by a regional administrator.

[Statutory Authority: Chapter 43.17 RCW, RCW 42.17.250 (1)(a), 51.04.020, 51.04.030, and 2005 c 483. WSR 05-13-151, § 296-06-020, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 90-07-004, § 296-06-020, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-020, filed 9/28/76; Order 73-12, § 296-06-020, filed 7/31/73.]

WAC 296-06-030 Locations where information about the department may be obtained and the department public records inspected and copied. (1) **Tumwater office.**

The office of the director, the administrative office of the department, the main offices of the divisions, and the office of the public records officer are in the Labor and Industries headquarters building, Tumwater, Washington. General information about the department and its divisions may be obtained at this location, and on the internet at www.lni.wa.gov.

(2) Field offices.

(a) General information about the department may also be obtained at its service locations, or field offices, at the addresses listed on the internet at www.lni.wa.gov and/or

found on the state government pages of local area telephone directories.

(b) Requests for public records containing confidential information will be processed only through the Tumwater office, unless the requestor is authorized to access them.

[Statutory Authority: Chapter 43.17 RCW, RCW 42.17.250, 42.17.290, 51.04.020, 51.04.030, and 2005 c 483. WSR 05-13-151, § 296-06-030, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 90-07-004, § 296-06-030, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-030, filed 9/28/76; Order 73-12, § 296-06-030, filed 7/31/73.]

WAC 296-06-040 Operations and procedures. The general operations and procedures of the department's five divisions are summarized below. For more information, go to: www.lni.wa.gov.

(1) Insurance services.

This division administers Washington's workers' compensation program—Medical care and disability benefits for workers who are injured on the job. Every business with employees must provide this coverage. L&I administers the "state fund," which covers the majority of the state's workers. Through its self-insurance program, it also monitors coverage offered by large companies that choose to self-insure and manage their own claims.

This division includes all of the workers' compensation programs that:

- Manage injured worker claims;
- Bill employers for their required quarterly premiums;
- Pay health care (and other) providers for their services.

The division also:

- Sets workers' compensation rates;
- Helps employers control their premiums through a variety of financial incentive, claims management, return-to-work and safety programs;
- Administers the department's crime victims compensation program, which covers those who are injured as a result of criminal acts.

More information is available at www.LNI.wa.gov/ClaimsIns.

(2) WISHA services.

This division administers the Washington Industrial Safety and Health Act (WISHA), under a state plan agreement with the federal Occupational Safety and Health Administration (OSHA). It aids in the prevention of job injuries and illnesses by adopting and enforcing safety and health standards and by training employers and employees in safe working procedures.

Through the RCW, the legislature has directed L&I to administer and enforce three additional programs. These programs are also handled by WISHA:

- Asbestos, including certifications and notifications of asbestos projects;
- Explosives, regulating the possession, handling, and use of explosives or explosive devices;
- Worker and community right to know, which provides a way of communicating information regarding hazardous substances in the workplace and the community.

Employer and employee procedures and responsibilities, and information about voluntary consultations to improve workplace safety can be found on the internet at www.lni.wa.

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[gov/FormPublications](http://www.osha.gov/pls/publications/pubindex.list). Information about reporting workplace accidents to OSHA can be found on the internet at <http://www.osha.gov/pls/publications/pubindex.list>.

(3) Specialty compliance services.

This division encompasses several diverse programs related to the construction trades, workplace rights, and apprenticeship. Its programs' duties include:

- Registering contractors to ensure they are bonded and insured.
- Licensing electrical contractors and elevator mechanics.
- Certifying plumbers and electricians.
- Regulating and inspecting:
 - Electrical installations.
 - Boilers and pressure vessels.
 - Factory assembled structures.
 - Elevators and other conveyances.

Employment standards program:

Develops and enforces rules regulating wages (including prevailing wages for public works projects) and hours, and working conditions, including those for teenagers.

Apprenticeship program:

Administers the state's apprenticeship training laws and policies.

(4) Operations.

This area includes several internal support divisions including administrative services, information services, the office of human resources, and fraud prevention and compliance.

Fraud prevention and compliance:

This division encompasses several diverse programs related to the prevention of abuse in the workers' compensation system. Its programs include:

- Audit.
- Collections.
- Detection and tracking.
- Firm appeals.
- Investigations.
- Significant employer cases.

(5) Field services.

This division provides the agency with local department program service throughout its service locations in six geographic regions of Washington.

[Statutory Authority: Chapter 43.17 RCW, RCW 42.17.250 (1)(a) and (c), 42.17.290, 51.04.020, 51.04.030, and 2005 c 483. WSR 05-13-151, § 296-06-040, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 90-07-004, § 296-06-040, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-040, filed 9/28/76; Order 73-12, § 296-06-040, filed 7/31/73.]

WAC 296-06-050 Department rules. The department's rules, adopted as authorized by law, are in Title 296 WAC.

[Statutory Authority: RCW 42.17.250 (1)(b) and (c), 42.17.290, and 2005 c 483. WSR 05-13-151, § 296-06-050, filed 6/21/05, effective 7/22/05; Order 76-27, § 296-06-050, filed 9/28/76; Order 73-12, § 296-06-050, filed 7/31/73.]

WAC 296-06-080 Authorization to release information. Some public records are protected from inspection and/or copying by state and/or federal law. You may access these records by either:

- Being the person legally authorized to access them; or

- Getting a notarized written authorization from the person with legal access. This authorization must:
 - Include a description of the records.
 - State the name of the person or persons authorized to inspect and copy the records.
 - Be signed and dated by the person with legal access to the records.

Note: If the records contain information about a disease or a condition usually transmitted through sexual contact, the release authorization must specifically mention sexually transmitted disease.

Authorizations to release information, once submitted to the department, become a part of the public record and the department's files.

[Statutory Authority: RCW 51.28.070, 51.16.070, and 2005 c 483. WSR 05-13-151, § 296-06-080, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 90-07-004, § 296-06-080, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-080, filed 9/28/76; Order 73-12, § 296-06-080, filed 7/31/73.]

WAC 296-06-090 Public records officer. The department will designate a public records officer to be in charge of its public records. This officer will have an office at the department's Tumwater headquarters. They are responsible for the enforcement of the department's rules and regulations regarding the release of public records, and for making sure the department's staff cooperates and complies with the public disclosure requirements of chapter 42.17 RCW. They may appoint delegates to help with the work as necessary.

[Statutory Authority: RCW 43.17.060, 51.04.020, 51.04.030, and 2005 c 483. WSR 05-13-151, § 296-06-090, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 90-07-004, § 296-06-090, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-090, filed 9/28/76; Order 73-12, § 296-06-090, filed 7/31/73.]

WAC 296-06-100 Office hours. Inspecting and copying the department's public records will be allowed only during regular office hours, which are 8:00 a.m. through 5:00 p.m. Monday through Friday, not including legal holidays.

[Statutory Authority: RCW 42.17.270, [42.17].280, [42.17].290, and 2005 c 483. WSR 05-13-151, § 296-06-100, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 90-07-004, § 296-06-100, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-100, filed 9/28/76; Order 73-12, § 296-06-100, filed 7/31/73.]

WAC 296-06-110 Requesting public records. (1) You can request an inspection or copy of the department's public records by either:

- Making a request at any of the department's service locations; or
- Sending a written request to the L&I public disclosure unit at:

Department of Labor & Industries
Public Disclosure Unit
Post Office Box 44632
Olympia, WA 98504-4632

Note: If you make an oral request, the department may put your request in writing and give or send a copy of it to you for confirmation or written correction.

(2) Written requests must include the following:

- The requestor's name.
- The date the request is being made.

- A description of the requested records, including the title, subject matter, date the records were made, and any other identifying information.
- A signed statement that the material will not be used for commercial purposes, if the requested material includes a list of individuals.

Note: Department staff will assist the requestor in identifying records if needed. If the request is not clear, the department will ask for clarification. If no clarification is received, the department will not respond. The department shall not deny a request for identifiable public records solely on the basis that the request is overbroad.

(3) Records that are protected by an individual's rights to privacy will not be released until the authorization described in WAC 296-06-080 is submitted, with the written request, to the department.

[Statutory Authority: RCW 42.17.260(1), 42.17.320, 42.17.290, and 2005 c 483. WSR 05-13-151, § 296-06-110, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 90-07-004, § 296-06-110, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-110, filed 9/28/76; Order 73-12, § 296-06-110, filed 7/31/73.]

WAC 296-06-120 Copying fees. Under RCW 42.56.-120(2), the department may charge the requestor a fee for reimbursement of costs directly related to the copying of public records. If the department delivers copies of records request on a partial or installment basis, it may charge for each part of the request as it is provided. The agency is not allowed to make a profit from copy fees.

(1) There is no fee for locating or preparing records for inspection or copying.

(2) The department does not charge fees for a person to inspect or access records on the agency's public internet web site.

(a) The department will provide space to inspect public records.

(b) The department will notify the requestor in writing that the records are available to inspect. Within twenty days after the department sends notification, the requestor must make arrangements with the department to inspect the records.

(c) After inspection, the requestor must identify which records he or she wishes the department to copy.

(d) Depending on staff availability and the volume of records requested, the department may determine the actual cost of the records requested and provide an invoice to the requestor at that time or provide the invoice at a later date.

(e) Once payment has been made, staff will copy the requested records and provide them to the requestor.

(f) When the inspection is complete and all requested copies are provided, the department will send notification to the requestor that the request is closed.

(3)(a) Fee waivers are an exception and are granted within the discretion of the public records officer. Copying fees will be waived when the requestor or their representative requests a copy of their own individual case file, or an employer or its representative requests a copy of the case file for an employee/claimant including, but not limited to, safety and health inspection files, wage and hour investigation files, construction compliance investigation files, employer audits, or provider investigation files and no other records. Additional records may be subject to the appropriate fees.

(b) If the department waives fees for an installment, the waiver may not apply to other installments of the request.

(4) The public records officer may require an advance deposit of ten percent of the estimated fees when the copying fees for an installment, an entire request, or customized service charge exceeds twenty-five dollars.

(5) Requestors must pay fees in advance of the release of the copies, or an installment of copies, or in advance when a deposit is required. The department will notify the requestor of the amount owed and the date payment is due.

(6) If payment of fees is required, the department will send notification to the requestor. Within thirty days after the department sends notification, the requestor must pay the fee or make other arrangements with the department. The request will be closed if the fees are not paid by the due date or other arrangements made within the thirty days.

(7) If an outside vendor is used the department may charge the vendors actual costs to copy records. The department may use an outside vendor if they can make copies more quickly and less expensively than the agency.

(8) The department conducted a study to determine the actual costs associated with copying, scanning, and delivering records and the guidelines to appropriately assess the fees.

Labor and Industries Public Records Copy Fee Schedule

Cost Item	Manner Used to Determine Costs
Inspection	
No fee	Inspection of agency records on agency public internet web site or scheduled at agency.
No fee	Accessing or downloading records the agency routinely posts on its public internet web site, unless the requestor asks the agency for records to be provided through other means (the following copy charges below then apply).
Copies	
\$.44 per minute	Photocopies, printed copies of electronic records when requested by the requestor, or for the use of agency equipment to make photocopies. Fees are determined by charging the per minute rate of the salary and benefits for a forms and records analyst 3 (FRA3) (FY18).
\$.02 per page	Scanned records, or use of agency equipment for scanning. Fees are determined by charging the per minute rate of the salary and benefits for an office assistant 3 (OA3) (FY18).
Actual cost	Vendor copying/scanning costs.
\$.44 per minute	Convert electronic records into PDF and sanitize as needed for redactions. Fees are determined by charging the per minute rate of the salary and benefits for an FRA3 (FY18).
\$.44 per minute	Copying electronic records to media/storage/etc. Fees are determined by charging the per minute rate of the salary and benefits for an FRA3 (FY18).

Cost Item	Manner Used to Determine Costs
\$.16 per compact disc (CD)	Disc and disc sleeve.
\$.30 per digital video disc (DVD)	
Actual costs	Flash drives and other formats. \$12.61 (8GB flash drive).
Actual cost (based on weight)	Postage, including the department of enterprise services (DES) consolidated mail service (CMS) metering fees.
\$.04 small CD/DVD envelope	Mailing materials.
\$.09 manila envelope (6"x9")	
\$.30 bubble envelope (7"x9.5")	
\$.04 CD sleeve	
Customized Service:	
Actual cost	Data compilations prepared or accessed as a customized service (cost is in addition to copying and delivery fees).

[Statutory Authority: RCW 42.56.120. WSR 18-10-081, § 296-06-120, filed 5/1/18, effective 6/1/18. Statutory Authority: RCW 42.17.260 (7) and (8), 42.17.270, 42.17.280, 42.17.290, 42.17.300, 42.17.305, and 2005 c 483. WSR 05-13-151, § 296-06-120, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 90-07-004, § 296-06-120, filed 3/9/90, effective 4/9/90. Statutory Authority: RCW 18.27.040, 42.17.290 and 42.17.300. WSR 82-18-026 (Order 82-26), § 296-06-120, filed 8/25/82; Order 76-27, § 296-06-120, filed 9/28/76; Order 73-12, § 296-06-120, filed 7/31/73.]

WAC 296-06-130 Denials of records requests. The public records officer and his or her designees have the power to deny a request for public records. Denials must include:

- The reason for the denial.
- A statement of any exemption that authorizes the denial of the record.
- A brief explanation of how the exemption applies to the withheld record.
- The signature of the public records officer or their designee.

[Statutory Authority: RCW 42.17.260(1), 42.17.320, and 2005 c 483. WSR 05-13-151, § 296-06-130, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 90-07-004, § 296-06-130, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-130, filed 9/28/76; Order 73-12, § 296-06-130, filed 7/31/73.]

WAC 296-06-140 Appeal of denial of requests. After a request for inspection or copying of public records is denied, the requestor may ask the department to review the denial. The request for review must:

- Be made in writing.
- Be sent to the public records officer or his/her designee after receiving the denial.
- Specifically refer to the denial.
- Contain a brief statement that gives reasons for reconsideration of the denial.

[Statutory Authority: RCW 42.17.290, 42.17.320, 42.17.325, and 2005 c 483. WSR 05-13-151, § 296-06-140, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 90-07-004, § 296-06-140, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-140, filed 9/28/76; Order 73-12, § 296-06-140, filed 7/31/73.]

WAC 296-06-150 Protection of public records. The department will protect its public records from damage or disorganization. Public records requests will not be allowed to interfere with essential functions of the department.

All inspections of public records will be supervised by a department staff member. Staff members will not allow records to be inspected or copied by anyone who is intoxicated, violent, abusive, threatening, or otherwise disruptive. Anyone who displays these characteristics during a records inspection may have the inspection terminated by department staff.

Staff members who are supervising the inspection or copying of public records will make sure of the following:

- Records are not torn, mutilated, marked, or otherwise harmed by the requestor.
- Inspection and copying activities do not disrupt the department's operations.
- Full, prompt, and courteous assistance is provided to the requestor.

[Statutory Authority: RCW 42.17.290 and 2005 c 483. WSR 05-13-151, § 296-06-150, filed 6/21/05, effective 7/22/05. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 90-07-004, § 296-06-150, filed 3/9/90, effective 4/9/90; Order 76-27, § 296-06-150, filed 9/28/76; Order 73-12, § 296-06-150, filed 7/31/73.]

WAC 296-06-175 Records index. The department of labor and industries will maintain a current index as required by RCW 42.17.260. The index will consist of record types and/or descriptions, their locations, and availabilities. These records will be made available according to public disclosure law. The agency records index is accessible online at www.lni.wa.gov. The index will be updated as needed. Copies of the index will be provided upon request by the public disclosure unit.

[Statutory Authority: RCW 42.17.260 (5), (6) and 2005 c 483. WSR 05-13-151, § 296-06-175, filed 6/21/05, effective 7/22/05.]