

Chapter 314-60 WAC

PUBLIC RECORDS

WAC

314-60-010	Purpose.	314-60-105
314-60-015	Agency description—Contact information.	
314-60-025	Public records officer.	
314-60-070	Availability of public records.	
314-60-080	Requests for public records.	
314-60-085	Processing public records requests.	
314-60-090	Costs of providing copies of public records.	
314-60-100	Exemptions.	
314-60-110	Review of denials of public records requests.	

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-60-020	Definitions—Public records—Writing. [Statutory Authority: RCW 66.08.030. WSR 94-03-060, § 314-60-020, filed 1/14/94, effective 2/14/94; Order 22, § 314-60-020, filed 4/17/73, effective 5/18/73.] Repealed by WSR 09-07-070, filed 3/13/09, effective 4/13/09. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56-40 [42.56.040].	314-60-120	Protection of public records. [Order 22, § 314-60-120, filed 4/17/73, effective 5/18/73.] Repealed by WSR 09-07-070, filed 3/13/09, effective 4/13/09. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040].
314-60-030	Description of central and field organization of Washington state liquor control board. [Statutory Authority: RCW 66.08.030. WSR 94-03-060, § 314-60-030, filed 1/14/94, effective 2/14/94; WSR 88-16-026 (Order 259, Resolution No. 268), § 314-60-030, filed 7/27/88; WSR 82-04-030 (Order 97, Resolution No. 106), § 314-60-030, filed 1/27/82; Order 22, § 314-60-030, filed 4/17/73, effective 5/18/73.] Repealed by WSR 09-07-070, filed 3/13/09, effective 4/13/09. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56-040].	314-60-130	Records index. [Order 22, § 314-60-130, filed 4/17/73, effective 5/18/73.] Repealed by WSR 09-07-070, filed 3/13/09, effective 4/13/09. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040].
314-60-040	Operations and procedure. [Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040]. WSR 09-07-070, § 314-60-040, filed 3/13/09, effective 4/13/09. Statutory Authority: RCW 66.08.030, 43.30-070. WSR 02-10-006, § 314-60-040, filed 4/19/02, effective 5/20/02. Statutory Authority: RCW 66.08.030 and 66.24.12 [66.08.012]. WSR 99-16-119, § 314-60-040, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 66.08.030. WSR 98-14-003, § 314-60-040, filed 6/18/98, effective 7/19/98. Statutory Authority: RCW 66.08.030, 66.08.050 and 42.30.070. WSR 92-14-027, § 314-60-040, filed 6/22/92, effective 7/23/92. Statutory Authority: RCW 66.08.030(1). WSR 90-02-109, § 314-60-040, filed 1/3/90, effective 2/3/90. Statutory Authority: RCW 66.08.030 and 42.30.070. WSR 82-10-021 (Order 104, Resolution No. 113), § 314-60-040, filed 4/28/82. Statutory Authority: RCW 66.08.030. WSR 82-04-030 (Order 97, Resolution No. 106), § 314-60-040, filed 1/27/82; Order 56, § 314-60-040, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-040, filed 4/17/73, effective 5/18/73.] Repealed by WSR 18-05-006, filed 2/7/18, effective 3/10/18. Statutory Authority: RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and 66.08.050.	314-60-140	Communications and submissions relating to public records. [Order 56, § 314-60-140, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-140, filed 4/17/73, effective 5/18/73.] Repealed by WSR 09-07-070, filed 3/13/09, effective 4/13/09. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040].
314-60-050	Public records available. [Order 56, § 314-60-050, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-050, filed 4/17/73, effective 5/18/73.] Repealed by WSR 09-07-070, filed 3/13/09, effective 4/13/09. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040].	314-60-150	Adoption of forms. [Order 56, § 314-60-150, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-150, filed 4/17/73, effective 5/18/73.] Repealed by WSR 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.
314-60-060	Public records officer. [Order 56, § 314-60-060, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-060, filed 4/17/73, effective 5/18/73.] Repealed by WSR 09-07-070, filed 3/13/09, effective 4/13/09. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040].	314-60-900	Organization chart (Appendix A). [Order 56, Appendix A (codified as WAC 314-60-900), filed 5/31/77, effective 7/1/77; Order 22, Appendix A, filed 4/17/73, effective 5/18/73.] Repealed by WSR 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.
314-60-087	Processing public records requests—Electronic records. [Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040]. WSR 09-07-070, § 314-60-087, filed 3/13/09, effective 4/13/09.] Repealed by WSR 18-05-006, filed 2/7/18, effective 3/10/18. Statutory	314-60-901	Formal hearings (Appendix B). [Order 56, Appendix B (codified as WAC 314-60-901), filed 5/31/77, effective 7/1/77; Order 22, Appendix B, filed 4/17/73, effective 5/18/73.] Repealed by WSR 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.
		314-60-902	Notice of proposed order of summary license suspension (Appendix C). [Order 56, Appendix C (codified as WAC 314-60-902), filed 5/31/77, effective 7/1/77; Order 22, Appendix C, filed 4/17/73, effective 5/18/73.] Repealed by WSR 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08-030.
		314-60-903	Notice of proposed order of summary license suspension with added penalty (Appendix C). [Order 56, Appendix C (codified as WAC 314-60-903), filed 5/31/77, effective 7/1/77; Order 22, Appendix C, filed 4/17/73, effective 5/18/73.] Repealed by WSR 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.
		314-60-904	Notice of proposed order of summary license suspension with option for monetary penalty (Appendix C). [Order 56, Appendix C (codified as WAC 314-60-904), filed 5/31/77, effective 7/1/77; Order 22, Appendix C, filed 4/17/73, effective 5/18/73.] Repealed by WSR 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.
		314-60-905	Notice of proposed order of summary license suspension with directions to implement option for monetary penalty (Appendix C). [Order 56, Appendix C (codified as WAC 314-60-905), filed 5/31/77, effective 7/1/77; Order 22, Appendix C, filed 4/17/73, effective 5/18/73.] Repealed by WSR 82-04-030 (Order 97, Resolution No.

- 106), filed 1/27/82. Statutory Authority: RCW 66.08-030.
- 314-60-906 Resolution No. 41 (Appendix D). [Order 56, Appendix D (codified as WAC 314-60-906), filed 5/31/77, effective 7/1/77; Order 22, Appendix D, filed 4/17/73, effective 5/18/73.] Repealed by WSR 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.
- 314-60-907 Request for public record (Appendix E). [Order 56, Appendix E (codified as WAC 314-60-907), filed 5/31/77, effective 7/1/77; Order 22, Appendix E, filed 4/17/73, effective 5/18/73.] Repealed by WSR 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.

WAC 314-60-010 Purpose. The purposes of this chapter are to:

- (1) Describe the organization of the Washington state liquor and cannabis board (WSLCB);
- (2) Detail how the WSLCB complies with laws governing the disclosure (release) of public records; and
- (3) Explain how an individual or organization may obtain public records.

[Statutory Authority: RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and 66.08.050. WSR 18-05-006, § 314-60-010, filed 2/7/18, effective 3/10/18. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040]. WSR 09-07-070, § 314-60-010, filed 3/13/09, effective 4/13/09. Statutory Authority: RCW 66.08.030. WSR 94-03-060, § 314-60-010, filed 1/14/94, effective 2/14/94; Order 56, § 314-60-010, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-010, filed 4/17/73, effective 5/18/73.]

WAC 314-60-015 Agency description—Contact information. (1)(a) The Washington state liquor and cannabis board (WSLCB) is an agency created to exercise the police power of the state in administering and enforcing laws and regulations relating to alcoholic beverage control (Title 66 RCW), marijuana (chapter 69.50 RCW), tobacco (chapter 70.155 RCW), and vapor products (chapter 70.345 RCW).

(b) The board issues licenses relating to liquor, marijuana, tobacco, and vapor products; and collects taxes imposed on liquor and marijuana.

(c) The WSLCB is responsible for enforcing laws preventing access to tobacco products by persons under the age of eighteen years (chapter 70.155 RCW). The board enforces the tobacco tax laws and the department of revenue administers tobacco tax laws (chapters 82.24 and 82.26 RCW).

(2) The Washington state liquor and cannabis board is organized into seven divisions:

- (a) Board administration;
- (b) Director's office;
- (c) Licensing and regulation;
- (d) Enforcement and education;
- (e) Finance;
- (f) Information technology; and
- (g) Human resources.

(3)(a) The administrative offices of the Washington state liquor and cannabis board are located at 3000 Pacific Avenue Southeast, Olympia, Washington 98504-3080.

(b) WSLCB staff is also located at enforcement offices maintained in major cities throughout the state.

Enforcement offices addresses and contact numbers are located on the WSLCB's web site at www.lcb.wa.gov.

(4) An organizational chart is available from the board's public records office which illustrates the general structure of the WSLCB's operations. More information on the construct

of the WSLCB is also available on the WSLCB's web site at www.lcb.wa.gov.

[Statutory Authority: RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and 66.08.050. WSR 18-05-006, § 314-60-015, filed 2/7/18, effective 3/10/18. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040]. WSR 09-07-070, § 314-60-015, filed 3/13/09, effective 4/13/09.]

WAC 314-60-025 Public records officer. (1) The WSLCB public records officer:

- (a) Receives all public records requests made to the WSLCB;
- (b) Provides "fullest assistance" to persons seeking WSLCB public records;
- (c) Oversees the WSLCB's compliance with the Public Records Act, including locating, processing, and releasing records responsive to public records requests;
- (d) Creates and maintains an index of certain WSLCB public records, to the extent required by RCW 42.56.070; and
- (e) Prevents the fulfillment of public records requests from causing excessive interference with essential functions of the department.

(2) Any person wishing to access WSLCB public records should contact the WSLCB's public records officer or designee at:

Public Records Officer
Liquor and Cannabis Board
3000 Pacific Avenue Southeast
Olympia, Washington 98504
360-664-1693
Fax: 360-664-9689
Email: publicrecords@lcb.wa.gov

Current contact information is also available on the WSLCB web site at www.lcb.wa.gov.

(3) The public records officer may designate one or more WSLCB staff to carry out the responsibilities set forth in subsection (1) of this section; and other staff may process public records requests. Therefore, use of the term public records officer in this chapter may include the public records officer's designee(s) or any other staff assisting in processing public records requests, where indicated by context.

[Statutory Authority: RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and 66.08.050. WSR 18-05-006, § 314-60-025, filed 2/7/18, effective 3/10/18.]

WAC 314-60-070 Availability of public records. (1) Many records are available on the WSLCB's web site at www.lcb.wa.gov. Requestors are encouraged to search for and view records on the WSLCB's web site in lieu of or prior to making a public records request. An index of public records is available as provided in subsection (3) of this section.

(2) Requestors are encouraged to contact the public records officer to determine the location and availability of records prior to or at the time of making a public records request.

(3) Hours for inspection of records.

(a) Public records are available for inspection and copying at the main office of the board during normal business hours of the WSLCB, Monday through Friday, from 9:00 a.m. to noon and from 1:00 p.m. to 4:30 p.m., excluding state legal holidays.

(b) Records must be inspected at the offices of the WSLCB and may not be removed from WSLCB offices. The majority of public records are located at the WSLCB's central office, although some may be located in other locations, including the regional offices.

(4) **Records index.** The WSLCB maintains an index as required under RCW 42.56.070 and updates the index on a biennial basis at minimum. The index of public records is available on the WSLCB's web site at www.lcb.wa.gov, including:

(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; and

(c) Declaratory orders issued pursuant to RCW 34.05.240 containing an analysis or decision of substantial importance to the agency in carrying out its duties.

(5) **Organization of records.** The WSLCB will maintain its records in a reasonably organized manner. The WSLCB will take reasonable actions to protect records from damage and disorganization.

[Statutory Authority: RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and 66.08.050. WSR 18-05-006, § 314-60-070, filed 2/7/18, effective 3/10/18. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040]. WSR 09-07-070, § 314-60-070, filed 3/13/09, effective 4/13/09; Order 22, § 314-60-070, filed 4/17/73, effective 5/18/73.]

WAC 314-60-080 Requests for public records. An individual may request a public record orally or in writing. The WSLCB encourages all public records requests be submitted in writing. Public records requests may be sent to the WSLCB via email at publicrecords@lcb.wa.gov.

(1) A form for public records requests prescribed by the WSLCB is available at its main office and on its web site at www.lcb.wa.gov. A written request or public records request form must be submitted or presented to the public records officer or designee and may be sent to the WSLCB via email at publicrecords@lcb.wa.gov. The request should include the following information:

(a) The name, organization, mailing address, telephone number, and email address of the requestor;

(b) The date and time of day of the request;

(c) Identification of the public records sought, in a form or description adequate for the public records officer to identify and locate the records;

(d) If the matter requested is referenced within the current index maintained by the board, a reference to the requested record as described; and

(e) The address where copies of the record are to be mailed or emailed, or notification that the requestor wants to examine the record at the WSLCB.

(2) If the public records officer or designee accepts a request other than in writing, he or she will confirm receipt of the information and the substance of the request in writing.

[Statutory Authority: RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and 66.08.050. WSR 18-05-006, § 314-60-080, filed 2/7/18, effective 3/10/18. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040]. WSR 09-07-070, § 314-60-080, filed 3/13/09, effective 4/13/09. Statutory Authority: RCW 66.08.030. WSR 94-03-060, § 314-60-080, filed 1/14/94, effective 2/14/94; Order 56, § 314-60-080, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-080, filed 4/17/73, effective 5/18/73.]

(2/7/18)

WAC 314-60-085 Processing public records requests. (1) **Order of processing 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 after receipt of the request, the public records officer or designee will do one or more of the following:

(a) Provide the records or make the records available for inspection and copying depending on the nature of the request;

(b) If copies are requested and payment of a deposit for copies, if any, is made or terms of payment agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of when records will be available; or

(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. 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 public records officer does not respond in writing within five business days after the day of receipt of the request for disclosure, the requestor should consider contacting the public records officer to ensure that the WSLCB received the request.

(4) **Protecting the rights of others.** If the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer or designee 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, under chapter 42.56 RCW or as otherwise provided by law. If the WSLCB believes that a record is exempt from disclosure and should be withheld, the public records officer or designee 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 or designee 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 WSLCB 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. If, after inspecting a record or records, the requestor wishes to receive a copy of a particular record or records, he or she should so indicate to the public records officer or designee. Copies will be provided pursuant to subsection (7) of this section.

(b) The requestor must review the assembled records within thirty days of the WSLCB's notification to him or her that the records are available for inspection. The agency will

[Ch. 314-60 WAC p. 3]

notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to review the records. If the requestor or a representative of the requestor fails to review the records within the thirty-day period or make other arrangements, the WSLCB may close the request. If the requestor subsequently files the same or a substantially similar request, that subsequent request will be considered a new request and will be processed in the order allowing the greatest number of requests to be processed in the most efficient manner.

(7) Providing copies of records.

(a) Upon request, the public records officer or designee will provide copies of requested records. Copies may be provided in either hard copy or electronic format, as requested. The cost for copies is set forth in WAC 314-60-090 and costs for copies of records must be paid to the WSLCB prior to delivery of copies of records.

(b) Copies may be mailed or emailed to the requestor, or made available for pickup at the WSLCB's offices, depending on the format of the records and the request of the requestor. If the copies are available for pickup at the WSLCB's offices, the requestor must pay for and pick up the copies within thirty days of the WSLCB's notification to him or her that the copies are available for pickup. The WSLCB will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the WSLCB to make arrangements to pay for and pick up the copies. If the requestor fails to pay for or pick up the copies within the thirty-day period, or fails to make other arrangements, the WSLCB may close the request. If the requestor subsequently files the same or a substantially similar request, that subsequent request will be considered a new request and will be processed in the order allowing the greatest number of requests to be processed in the most efficient manner.

(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 WSLCB and is generally commercially available, or in a format that is reasonably translatable from the format in which the WSLCB 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 or copies of records in installments, if he or she reasonably determines that it would be practical to provide the records in that way. Costs for each installment of copies of records must be paid to the WSLCB prior to delivery of the installment. If, within thirty days, the requestor fails to pay for 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 WSLCB has completed the records request and made any located nonexempt records available for inspection.

(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 or designee will close the request and indicate the closure to the requestor.

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

[Statutory Authority: RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and 66.08.050. WSR 18-05-006, § 314-60-085, filed 2/7/18, effective 3/10/18. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040]. WSR 09-07-070, § 314-60-085, filed 3/13/09, effective 4/13/09.]

WAC 314-60-090 Costs of providing copies of public records. (1) No fee is charged for the inspection of public records.

(2) The WSLCB does not charge any fee for access to or downloading records posted on its internet web site prior to a request, unless the requestor specifically requests that posted records be provided by other means, such as a printed copy or electronic copies provided by the WSLCB.

(3)(a) The board finds it would be unduly burdensome to calculate the actual costs of providing public records to requestors as the type of request and staff time to copy and provide records vary widely. The board does not have the resources to conduct a study of these costs, and conducting a study would interfere with other essential agency functions. Additionally, through the 2017 legislative process, the public and requestors commented on and were informed of authorized fees and costs, including costs for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3) and (4).

(b) The following fee schedule adapted from RCW 42.56.120 applies to physical and electronic copies of public records provided by the WSLCB. Copy charges may be combined to the extent more than one type of charge applies to copies responsive to a particular request.

Public Records Fee Schedule	
Charge:	Record Type:
15 cents/page	Photocopies, printed copies of electronic records when requested by the requestor, or for the use of agency equipment to make photocopies.
10 cents/page	Scanned records, or use of agency equipment for scanning.
5 cents for each 4 electronic files or attachment	Files and attachments loaded and delivered on a digital storage media (CD, DVD, or thumb drive).
10 cents per gigabyte	Records transmitted in electronic format or for use of agency equipment to send records electronically.
Actual cost	Digital storage media or devices.

Public Records Fee Schedule	
Actual cost	Any container or envelope used to mail copies.
Actual cost	Postage or delivery charges.
Actual cost	Customized service charge (in addition to fees for copies - See copying fees above), if the board estimates that the request would require use of information technology expertise to prepare data compilations, or provide customized electronic access when such compilations and customized access services are not used by the agency for other agency purposes. The board will notify such requestor of the customized service charge to be applied, why the charge applies, and an estimate of the cost of the charge, and will allow the requestor to amend the request in order to avoid or reduce the cost of the customized service charge.
Option for Copies:	
Up to \$2 flat fee	As an alternative to the copy charges above, the board may charge a flat fee of up to \$2 for any request when the agency reasonably estimates and documents that the costs are equal to or more than \$2. If applied to the initial installment, additional flat fees will not be charged for subsequent installments.

(4) If the requestor asks the WSLCB to provide a summary of the applicable charges before any copies are made, the WSLCB will provide an estimate and will allow the requestor to revise the request to reduce the number of copies to be made to reduce the charges. The WSLCB may require a deposit of up to ten percent of the cost of providing copies for a request, including a customized service charge.

[Statutory Authority: RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and 66.08.050. WSR 18-05-006, § 314-60-090, filed 2/7/18, effective 3/10/18. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040]. WSR 09-07-070, § 314-60-090, filed 3/13/09, effective 4/13/09; Order 22, § 314-60-090, filed 4/17/73, effective 5/18/73.]

WAC 314-60-100 Exemptions. (1) The Public Records Act (chapter 42.56 RCW) exempts a number of types of records from public inspection, production, and copying that the board may assert when responding to a request for public records. In addition, records 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 WSLCB for inspection and copying:

(a) **Autopsy, post mortem or medical examiner reports.** Requests for these records should be referred to the

(2/7/18)

agency which originated the record(s): Coroner's office, medical examiner's office, etc. (RCW 68.50.105)

(b) **Claim file information.** On any industrial insurance claim. (RCW 51.28.070)

(c) **Criminal history reports.** Certain criminal history information concerning nonconviction data is prohibited from disclosure under chapter 10.97 RCW. Law enforcement agency reports should be referred to the agency that originated the report. (RCW 10.97.080)

(d) **Crime victims.** Files and information. (RCW 7.68.-140)

(e) **Attorney client privileged communications, mediation communications.** Communications protected by RCW 5.60.060(2), 42.56.290 and 7.07.030 exempt from disclosure.

(f) **Medical records and data.** Medical records, drug records, accident victims and other persons to which WSLCB has access. (RCW 42.56.360(2) and chapter 70.02 RCW)

(g) **Social Security numbers.** (RCW 42.56.250(3) and 42 U.S.C. Section 405 (c)(2)(C)(vii)(1))

(h) **Trade secrets.** As defined in RCW 19.108.010, including blueprints, diagrams, drawings, formulas, photos, etc., requested to be held confidential by the affected person. Should be labeled "RESTRICTED TRADE INFORMATION." (RCW 39.10.470(2) and 49.17.200)

(2) The WSLCB is prohibited by statute from disclosing lists of individuals for commercial purposes under RCW 42.56.070.

[Statutory Authority: RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and 66.08.050. WSR 18-05-006, § 314-60-100, filed 2/7/18, effective 3/10/18. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040]. WSR 09-07-070, § 314-60-100, filed 3/13/09, effective 4/13/09; Order 56, § 314-60-100, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-100, filed 4/17/73, effective 5/18/73.]

WAC 314-60-110 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 submitting a written request for review. The written request must specifically refer to the written statement by the public records officer or designee which constituted or accompanied the denial. A written petition for review may be sent to:

Public Records Officer
P.O. Box 43080
Olympia, Washington 98504-3080
360-664-1693
publicrecords@lcb.wa.gov

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer shall refer it to the administrative director. The administrative director shall immediately consider the matter and either affirm or reverse such denial. The request shall be returned with a final decision, within two business days following the WSLCB's receipt of the request for review of the original denial, or within such other time as the WSLCB and the requestor mutually agree to.

(3) If the WSLCB 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 as provided in WAC 44-06-160.

(4) **Judicial review.** Any person may obtain court review of denials of public records request.

[Statutory Authority: RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and 66.08.050. WSR 18-05-006, § 314-60-110, filed 2/7/18, effective 3/10/18. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040]. WSR 09-07-070, § 314-60-110, filed 3/13/09, effective 4/13/09. Statutory Authority: RCW 66.08.030. WSR 94-03-060, § 314-60-110, filed 1/14/94, effective 2/14/94; Order 22, § 314-60-110, filed 4/17/73, effective 5/18/73.]