

Chapter 352-40 WAC

PUBLIC RECORDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

352-40-050	Public records available. [Order 15, § 352-40-050, filed 7/25/73.] Repealed by WSR 03-11-068, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 79A.05-030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW.
352-40-125	Purpose of records index. [Statutory Authority: RCW 43.51.040. WSR 90-20-032, § 352-40-125, filed 9/25/90, effective 10/26/90.] Repealed by WSR 03-11-068, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW.
352-40-127	Definitions in records index. [Statutory Authority: RCW 43.51.040. WSR 90-20-032, § 352-40-127, filed 9/25/90, effective 10/26/90.] Repealed by WSR 03-11-068, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW.
352-40-140	Location of record indexes and communications. [Statutory Authority: RCW 43.51.040. WSR 90-20-032, § 352-40-140, filed 9/25/90, effective 10/26/90; Order 15, § 352-40-140, filed 7/25/73.] Repealed by WSR 03-11-068, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW.
352-40-150	Adoption of form. [Statutory Authority: RCW 79A.05-030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-150, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-150, filed 7/25/73.] Repealed by WSR 08-24-005, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070.
352-40-900	Request for public record—Form. [Statutory Authority: RCW 43.51.040. WSR 90-20-032, § 352-40-900, filed 9/25/90, effective 10/26/90; Appendix A (codified as WAC 352-40-900), filed 7/25/73.] Repealed by WSR 03-11-068, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW.

WAC 352-40-010 What is the purpose of this chapter? The purpose of this chapter is to implement the procedural requirements that the Public Records Act, chapter 42.56 RCW, places on state agencies.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-010, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-

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11-068, § 352-40-010, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-010, filed 7/25/73.]

WAC 352-40-020 How do we define terms? (1) In accordance with RCW 42.56.010(2): "Public record" includes 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 any state or local agency regardless of physical form or characteristics.

(2) In accordance with RCW 42.56.010(3): "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained and translated.

(3) "State parks" and "the agency" refer to the Washington state parks and recreation commission.

(4) "The commission" means the governor appointed governing board of state parks.

(5) "Headquarters" means state parks administration located in Olympia, Washington.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-020, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-020, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-020, filed 7/25/73.]

WAC 352-40-030 Where can I access state parks' public records? Most public records of the commission and the agency are located at the Olympia headquarters office. Copies of certain records may be accessible at regional offices.

(1) The director and administrative offices are located at the headquarters office at 1111 Israel Road S.W., Tumwater, WA 98501. Mailing address for the headquarters office is:

Washington State Parks and Recreation Commission
P.O. Box 42650
Olympia, WA 98504-2650
360-902-8500
FAX: 360-753-1594
TDD: 360-664-3133

(a) The public affairs office is available to assist with media inquiries and general public information requests.

Phone: 360-902-8561
Email: pao@parks.wa.gov

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(b) The public records officer is available to assist with public records requests or questions.

Phone: 360-902-8514

Email: public.disclosure@parks.wa.gov

(2) Location of regional offices:

Southwest Region

Headquarters Office
11838 Tilley Road S.E.
Olympia, WA 98512-9167
360-956-4800

Northwest Region

Headquarters Office
220 N. Walnut
Burlington, WA 98233
360-755-9231

Eastern Region

Headquarters Office
270 9th St. N.E., Suite 200
East Wenatchee, WA 98802
509-665-4319

Puget Sound Region

2840 Riverwalk Drive S.E.
Auburn, WA 98002-8207
253-931-3907

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-030, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.-030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-030, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 42.17.250. WSR 83-23-095 (Order 72), § 352-40-030, filed 11/22/83; Order 15, § 352-40-030, filed 7/25/73.]

WAC 352-40-040 How is the agency organized and how is it operated? The Washington state park system includes one hundred twenty developed parks, recreation programs, trails, boating safety and winter recreation.

(1) State parks is governed by a commission consisting of seven citizens of the state appointed by the governor.

(2) The director is the commission appointed executive head of the agency.

(3) The deputy director is the chief operating officer.

(4) Regional directors are responsible for management of regional headquarters and parks within their regions.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-040, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.-030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-040, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-040, filed 7/25/73.]

WAC 352-40-060 Who do I contact to request state parks' public records? The agency public records officer, located at headquarters, is responsible for:

(1) Receiving and reviewing requests for public records.

(2) Coordinating agency records management and agency indexing standards to ensure protection of, and prompt access to, public records.

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(3) Implementing and ensuring compliance by the staff with the public records disclosure requirements of chapter 42.56 RCW.

Mailing address:

P.O. Box 42650

Olympia, WA 98504-2650

Physical address:

1111 Israel Road S.W.

Tumwater, WA 98501

Email: public.disclosure@parks.wa.gov

Phone: 360-902-8514

FAX: 360-586-5875

(4) Contact information and our form for requesting public records from state parks are also available on our web site www.parks.wa.gov.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-060, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.-030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-060, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-060, filed 7/25/73.]

WAC 352-40-070 When can I inspect public records?

Public records are available for inspection during regular business hours, Monday through Friday, excluding legal holidays.

It is recommended that you make arrangements in advance as the records that you wish to inspect may not be readily available for immediate inspection.

Agency facilities shall be made available to any person for the inspection of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-070, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.-030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-070, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 42.17.250. WSR 83-23-095 (Order 72), § 352-40-070, filed 11/22/83; Order 15, § 352-40-070, filed 7/25/73.]

WAC 352-40-080 How do I request state parks' public records? Call, mail, email, fax or drop your request at any state park office.

Using our request form, while not required, provides the information we need to assist you and provides you with our copy and mailing fees.

(1) The information that we will need is:

(a) The name, address and phone number of the person requesting the record;

(b) The date on which the request is made;

(c) If inspection of the record is requested, the day and time you wish to inspect the public records;

(d) A description, with as much detail as you can provide, to help identify the record requested;

(e) A statement that the information will not be used for commercial purposes.

(2) The agency does not distinguish among persons requesting records and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate

RCW 42.56.070(9) or other statute that exempts or prohibits disclosure of specific information or records to certain persons.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-080, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.-030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-080, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-080, filed 7/25/73.]

WAC 352-40-090 Will I have to pay to view or get copies of state parks' public records? The agency does not charge a fee for the inspection of public records.

The agency will charge an amount necessary to recover its costs for producing and mailing copies of records, as provided for by RCW 42.56.120.

A list of copy charges is provided with state parks' "Request for Public Records" form, or you can contact the public records officer for a list of copy and mailing fees. Payment is required prior to receiving copies of records.

Charges totaling less than five dollars will be waived.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-090, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.-030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-090, filed 5/19/03, effective 6/19/03. Statutory Authority: Chapter 43.51 RCW. WSR 92-10-019, § 352-40-090, filed 4/29/92, effective 5/30/92; Order 15, § 352-40-090, filed 7/25/73.]

WAC 352-40-100 Can my request be denied? (1) Yes, a request can be denied if it is for records that are exempt from disclosure under the provisions of the Public Records Act, chapter 42.56 RCW. State parks may also deny access to records, or parts of records, that are exempt from disclosure by RCW 79A.60.210, 79A.60.220, 5.60.060 (2)(a), 46.52.-080, 7.69A.030(4) and 13.50.050(3).

(2) Whenever possible, the agency will make requested records available after exempt information has been deleted or redacted.

(3) Under the provisions of RCW 42.56.070(9), public records requests will also be denied if the purpose of the request is to sell or use the information for commercial purposes.

If a request is denied, the agency will specify in writing the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-100, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.-030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-100, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-100, filed 7/25/73.]

WAC 352-40-110 What can I do if I object to the agency's denial to inspect or receive a copy of a public record? You have options. You can:

(1) Request an internal administrative review of the denial for access.

(a) Provide state parks' public records officer with your written request for a review of the decision. Include a copy of

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the denial or refer specifically to the denial statement in your petition.

(b) The public records officer will promptly provide the petition and any other relevant information to the director or designee to conduct a review.

(c) The director or designee will immediately consider the matter and, within two business days of receiving the petition, or within such time as state parks and the requestor mutually agree, either affirm or reverse the denial. If the director or designee has not responded to the requestor by the end of the two business days following denial of access, then the request is deemed denied.

(2) Ask the attorney general to review the matter. Pursuant to RCW 42.56.530, the attorney general will provide a written opinion on whether the record is exempt.

(3) Initiate an action in the superior court where the record is located. 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.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-110, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.-030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-110, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-110, filed 7/25/73.]

WAC 352-40-120 How does the agency protect public records? (1) The following guidelines have been put in place to help the agency protect the public records under its care:

(a) You may not remove any public record from the agency premises.

(b) You must have a designated agency employee present while inspecting public records.

(c) You may not mark or deface a public record in any manner during inspection.

(d) You may not dismantle public records that are maintained in a file or jacket or in chronological or other filing order.

(2) Access to file cabinets, shelves, vaults, or other storage areas is restricted to agency personnel unless other arrangements are made with the public records officer or designee.

(3) State parks follows rules established under RCW 40.14.060 regarding destruction of public records. The destruction of records responsive to a public records request will be delayed until the request is resolved.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-120, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.-030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-120, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-120, filed 7/25/73.]

WAC 352-40-130 How are agency records indexed? Records retention schedules established and maintained under the directives of RCW 40.14.060 serve as an index for the identification and location of agency records.

The records retention schedule indexes records according to the originating program or section, and then the record series title. Each title is further identified by a statement of

function or purpose, and the minimum required retention period. With the assistance of the public records officer or designee, the records retention schedule is available to the public for inspection and copying.

A separate index of policy statements as defined in RCW 34.05.010(15) entered after June 30, 1990, is maintained by the agency.

In addition, the agency has a functional index coding system for physical files, commission policy, administrative policy and agency procedures.

Commission meetings minutes are indexed by year, month, and agenda item number. They are also summarized by topic.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-130, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-130, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 43.51.040. WSR 90-20-032, § 352-40-130, filed 9/25/90, effective 10/26/90; Order 15, § 352-40-130, filed 7/25/73.]

WAC 352-40-135 Calculation of actual costs of producing copies of public records declared to be unduly burdensome—Adoption of statutory fee schedule. (1) Pursuant to RCW 42.56.120(2), as amended by section 3, chapter 304, Laws of 2017, the Washington state parks and recreation commission declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records: Funds were not allocated for performing a study to calculate such actual costs and the agency lacks the necessary funds to perform a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential agency functions.

(2) The Washington state parks and recreation commission may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120, as amended by section 3, chapter 304, Laws of 2017.

[Statutory Authority: 2017 c 304, RCW 42.56.120 and chapter 79A.05 RCW. WSR 17-23-139, § 352-40-135, filed 11/20/17, effective 12/21/17.]