

Chapter 474-01 WAC

REGULATIONS ASSURING COMPLIANCE BY THE STATE TREASURER'S OFFICE WITH THE PROVISIONS OF CHAPTER 1, LAWS OF 1973, SUBCHAPTER IV—PUBLIC RECORDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

474-01-090	Copying [Order 2, § 474-01-090, filed 7/30/74.] Repealed by WSR 18-10-049, filed 4/26/18, effective 5/27/18. Statutory Authority: RCW 42.56.100, 42.56.-040 (1)(d), 42.56.120, 43.08.050, and 2017 c 304.
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WAC 474-01-010 Purpose. The purpose of this chapter shall be to ensure compliance by the state treasurer's office with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25 - 32 of that act, dealing with public records.

[Order 2, § 474-01-010, filed 7/30/74.]

WAC 474-01-020 Definitions. (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) **Writing.** "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all paper, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) **State treasurer's office.** The state treasurer's office is established by section 1, Article III of the Washington state constitution. The state treasurer's office shall hereinafter be referred to as the "office." Where appropriate, the term state treasurer's office also refers to the staff and employees of the office.

[Order 2, § 474-01-020, filed 7/30/74.]

(4/26/18)

WAC 474-01-030 Description of central and field organization of the Washington state treasurer's office.

(1) **State treasurer's office.** The state treasurer's office is a state office headed by an elected official and is empowered to perform all duties prescribed by law. The administrative offices of the state treasurer's office and its staff are located in the state treasurer's office in the Legislative Building, Olympia, Washington.

[Order 2, § 474-01-030, filed 7/30/74.]

WAC 474-01-040 Operations and procedures. The state treasurer is by statute designated as the fiscal agent of the state of Washington and is charged with the responsibility of performing all statutorily assigned duties commensurate with that designation.

[Order 2, § 474-01-040, filed 7/30/74.]

WAC 474-01-050 Public records available. All public records of the state treasurer's office as defined in WAC 474-01-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, Laws of 1973, and WAC 474-01-020.

[Order 2, § 474-01-050, filed 7/30/74.]

WAC 474-01-060 Public records officer. The public records of the state treasurer's office shall be in the charge of the public records officer designated by the agency. The person so designated shall be located in the administrative office of the agency. The public records officer shall be responsible for the following: The implementation of the office's rules and regulations regarding release of public records, coordinating the staff of the office in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

[Order 2, § 474-01-060, filed 7/30/74.]

WAC 474-01-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the state treasurer's office. For the purpose of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Order 2, § 474-01-070, filed 7/30/74.]

WAC 474-01-080 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect

public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the state treasurer's office which shall be available at its administrative office. The form shall be presented to the public records officer, or to any member of the office's staff, if the public records officer is not available, at the administrative office during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced with an index maintained by the records officer, a reference to the requested record as it is described in such index;
- (e) If the requested matter is not identifiable by reference to an index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Order 2, § 474-01-080, filed 7/30/74.]

WAC 474-01-091 Copying fees—Payments. (1) The following copy fees and payment procedures apply to the office's copying of records on or after the effective date of this rule.

(2) Pursuant to RCW 42.56.120 (2)(b), the office is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons: (i) The office does not have the resources to conduct a study to determine all its actual copying costs; (ii) to conduct such a study would interfere with other essential agency functions; and (iii) through the 2017 legislative process, the public and requesters have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3) and (4). Therefore, as authorized in RCW 42.56.120, the agency shall implement a fee schedule consistent with the Public Records Act, as it is more cost efficient, expeditious and in the public interest for the agency to adopt the state legislature's approved fees and costs for most of the agency's records.

(3) The office will charge for copies of records pursuant to the default fees in RCW 42.56.120(3). Under RCW 42.56.130, the office may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The office may enter into an alternative fee agreement with a requester under RCW 42.56.120(4). The charges for copying methods used by the office are summarized in the fee schedule available on the office's website at www.tre.wa.gov.

(4) Requesters are required to pay for copies in advance of receiving records. Fee waivers are an exception and are available for some small requests under the following conditions.

(a) It is within the discretion of the public records officer to waive copying fees when: (i) All of the records responsive to an entire request are paper copies only and are fifty pages or fewer; or (ii) 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 100 printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requester will be charged in accordance with this rule.

(b) Fee waivers are not applicable to records provided in installments.

(5) The public records officer may require an advance deposit of ten percent of the estimated fees when the copying 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 requester of when payment is due.

(7) Payment should be made by check or money order to the Office of the State Treasurer. The office prefers not to receive cash. For cash payments, it is within the public records officer's discretion to determine the denomination of bills and coins that will be accepted.

(8) The office will close a request when a requester fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

[Statutory Authority: RCW 42.56.100, 42.56.040 (1)(d), 42.56.120, 43.08.050, and 2017 c 304. WSR 18-10-049, § 474-01-091, filed 4/26/18, effective 5/27/18.]

WAC 474-01-100 Exemptions. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 474-01-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the office reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying 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.

[Order 2, § 474-01-100, filed 7/30/74.]

WAC 474-01-110 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 tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request

shall refer it to the state treasurer, or his designee, who shall consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the system has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 2, § 474-01-110, filed 7/30/74.]

WAC 474-01-120 Mailing address. All communications with the office including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules, requests for copies of the office's decisions and other matters, shall be addressed as follows: Office of State Treasurer, Legislative Building, Olympia, Washington 98504.

[Order 2, § 474-01-120, filed 7/30/74.]

WAC 474-01-130 Adoption of form. The treasurer hereby designates for use by persons requesting inspection and/or copying or copies of the records, the form entitled "Request for public record."

[Order 2, § 474-01-130, filed 7/30/74.]

WAC 474-01-990 Form—Request for public records.

OFFICE OF STATE TREASURER
REQUEST FOR PUBLIC RECORDS

Date

Time

REQUESTED BY:

Name Title

Address

Telephone No. Representing

NATURE OF REQUEST:

.....
.....
.....

DETAILED DESCRIPTION OF DOCUMENT:

.....
.....
.....

.....
(Signature)

— FOR OFFICE USE ONLY —

(1) Request Record Record
Granted ☐ Withheld ☐ Withheld
in Part ☐

(2) If withheld, name the exemption contained in section 31, chapter 1, Laws of 1973, which authorizes the withholding of the record or part of the record: Subsection (1)().

(3) If withheld, briefly explain how the exemption applies to the record withheld.

(4) If request granted, time, date

Reviewed: Public Records Officer
(Initial)

..... Deputy or Assistant
(Initial) State Treasurer

[Order 2, Form (codified as WAC 474-01-990), filed 7/30/74.]