

# Chapter 491-20 WAC

## PUBLIC RECORDS

### WAC

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**WAC 491-20-010 Public records available.** All public records of the board for volunteer firemen, as defined in WAC 491-20-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310, and WAC 491-20-100.

[Statutory Authority: RCW 42.17.260(3). WSR 87-16-013 (Order 89-1, Resolution No. 89-1), § 491-20-010, filed 7/24/87; Order II, § 491-20-010, filed 7/5/77.]

**WAC 491-20-020 Definitions.** (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used, or retained by the board for volunteer firemen 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 papers, magnetic or punched cards, discs, drums and other documents."

[Statutory Authority: RCW 42.17.260(3). WSR 87-16-013 (Order 89-1, Resolution No. 89-1), § 491-20-020, filed 7/24/87; Order II, § 491-20-020, filed 7/5/77.]

**WAC 491-20-030 Public records officer.** The board for volunteer firemen's public records shall be in the charge of the board's public records officer. The public records officer shall be the secretary of the board for volunteer firemen. The public records officer shall be responsible for the following: The implementation of the board for volunteer firemen's rules and regulations regarding release of public records, coordinating the staff of the system in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 42.17.260(3). WSR 87-16-013 (Order 89-1, Resolution No. 89-1), § 491-20-030, filed 7/24/87; Order II, § 491-20-030, filed 7/5/77.]

**WAC 491-20-040 Requests for public records.** In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect excessive interference with essential functions of the agency, public records may be inspected 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 board for volunteer firemen which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the board's staff, if the public records officer is not available, at the administrative office of the board during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the records;
- (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 within a current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to a current index of the board, 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.

[Statutory Authority: RCW 42.17.260(3). WSR 87-16-013 (Order 89-1, Resolution No. 89-1), § 491-20-040, filed 7/24/87; Order II, § 491-20-040, filed 7/5/77.]

**WAC 491-20-050 Public records—Adoption of statutory fee schedule.** (1) Pursuant to RCW 42.56.120, as amended by section 3, chapter 304, Laws of 2017, the Washington board for volunteer firefighters and reserve officers declares for the following reasons that it would be unduly burdensome for it to calculate the actual cost it charges for providing copies of public records: Funds were not allocated to conduct 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 board for volunteer firefighters and reserve officers may charge fees for producing 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: RCW 42.56.120, as amended by 2017 c 304, 42.56.100, and 42.56.040 (1)(d). WSR 18-03-107, § 491-20-050, filed 1/18/18, effective 2/18/18; Order II, § 491-20-050, filed 7/5/77.]

**WAC 491-20-060 Exemptions.** (1) The board for volunteer firemen reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 491-20-040 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the board for volunteer firemen 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 42.17 RCW. 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.

[Statutory Authority: RCW 42.17.260(3). WSR 87-16-013 (Order 89-1, Resolution No. 89-1), § 491-20-060, filed 7/24/87; Order II, § 491-20-060, filed 7/5/77.]

**WAC 491-20-070 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 board. The board shall call a special meeting of the board as soon as legally possible to review the 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 board has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Statutory Authority: RCW 42.17.260(3). WSR 87-16-013 (Order 89-1, Resolution No. 89-1), § 491-20-070, filed 7/24/87; Order II, § 491-20-070, filed 7/5/77.]

**WAC 491-20-080 Records index.** (1) The board for volunteer firemen finds that it would be unduly burdensome and would interfere with agency operations to maintain an index of records because of the large number of cases, the resulting volume of correspondence, reports, surveys, and other materials, and the limited number of staff available to compile and maintain such an index.

(2) The board for volunteer firemen will make available for public disclosure all indices which may at a future time be developed for agency use.

[Statutory Authority: RCW 42.17.260(3). WSR 87-16-013 (Order 89-1, Resolution No. 89-1), § 491-20-080, filed 7/24/87; Order II, § 491-20-080, filed 7/5/77.]

**WAC 491-20-090 Request for records by mail—Address.** All communications with the board including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules; requests for copies of the board's decisions and other matters, shall be addressed as follows: Board for Volunteer Firemen, P.O. Box 114, Olympia, Washington 98507.

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[Statutory Authority: RCW 42.17.260(3). WSR 87-16-013 (Order 89-1, Resolution No. 89-1), § 491-20-090, filed 7/24/87; Order II, § 491-20-090, filed 7/5/77.]

**WAC 491-20-100 Adoption of form.** The board hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for public record."

[Order II, § 491-20-100, filed 7/5/77.]

**WAC 491-20-990 Appendix A—Request for public records.**

#### APPENDIX A REQUEST FOR PUBLIC RECORDS

**Name of Requestor:**

**Address:**

**Phone:**

**Date of Request:**

**Time of Request:**

**Nature of Request:**

1. Index Reference. . . . .
2. If not identifiable by reference to the index, then describe the document(s) in detail . . . . .
- . . . . .
- . . . . .
- Signature . . . . .

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**For Office Use Only:**

- (1)
 

Request Granted <input type="checkbox"/>	Record Withheld <input type="checkbox"/>	Record Withheld In Part <input type="checkbox"/>
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- (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 record: Subsection (1) ( ).
- (3) If withheld, briefly explain how the exemption applies to the record withheld.
- (4) If request granted, time . . . . ., day . . . . .

[Order II, Appendix A (codified as WAC 491-20-990), filed 7/5/77.]