

**Chapter 132T-175 WAC
PUBLIC RECORDS**

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WAC

132T-175-010	Purpose.
132T-175-020	Definitions.
132T-175-030	Description of central and field organization of Community College District No. 20.
132T-175-040	Operations and procedures.
132T-175-050	Public records available.
132T-175-060	Public records officer.
132T-175-070	Office hours.
132T-175-080	Requests for public records.
132T-175-090	Costs of providing copies of public records.
132T-175-100	Exemptions.
132T-175-110	Review of denials of public records requests.
132T-175-120	Protection of public records.
132T-175-130	Records index.
132T-175-150	Adoption of form.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132T-175-140	District's address. [Order 75-3, § 132T-175-140, filed 2/27/75; Order 73-7, § 132T-175-140, filed 3/23/73.] Repealed by WSR 19-09-021, filed 4/9/19, effective 5/10/19. Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 42.56 RCW.
132T-175-990	Appendix A—Request for public record. [Order 73-7, Appendix A (codified as WAC 132T-175-990), filed 3/23/73.] Repealed by WSR 19-09-021, filed 4/9/19, effective 5/10/19. Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 42.56 RCW.

WAC 132T-175-010 Purpose. The purpose of this chapter shall be to ensure compliance by the Community College District No. 20 with the provisions of chapter 42.56 RCW, the Public Records Act.

[Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 42.56 RCW. WSR 19-09-021, § 132T-175-010, filed 4/9/19, effective 5/10/19; Order 73-7, § 132T-175-010, filed 3/23/73.]

WAC 132T-175-020 Definitions. (1) **Public records.**

"Public record" indicates 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 any state or local agency regardless of physical form or characteristics. Only records that are required to be retained by the district are included in this definition. This definition does not include records held by volunteers who:

- (a) Do not serve in an administrative capacity;
- (b) Have not been appointed by the district to a district board, commission, or internship; and
- (c) Do not have a supervisory role or delegated district authority.

(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, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, motion pictures, film and video recordings, diskettes, sound recordings, and other documents including existing compilations from which information may be obtained or translated. An email, text, social media posting and database are, therefore, also "writings."

(3) **Bot request.**

"Bot request" is a request for public records that the Community College District No. 20 reasonably believes was automatically generated by a computer program or script.

(4) Community College District No. 20.

Community College District No. 20 was established pursuant to the Community College Act of 1967. Community College District No. 20 shall be referred to as the "district." Where appropriate, the term Community College District No. 20 also refers to the staff and employees of the Community College District No. 20.

[Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 42.56 RCW. WSR 19-09-021, § 132T-175-020, filed 4/9/19, effective 5/10/19; Order 73-7, § 132T-175-020, filed 3/23/73.]

WAC 132T-175-030 Description of central and field organization of Community College District No. 20. The Community College District No. 20 is an institution of higher education organized under RCW 28B.50.040. The administrative offices of the district and its staff are located at 500 Tausick Way, Walla Walla, Washington, on the Walla Walla Community College campus. In addition to its campus in Walla Walla, the district operates a campus in Clarkston, Washington, at: 1470 Bridge Street, Clarkston, Washington. The district also provides educational programs and services to offenders at the Washington state penitentiary in Walla Walla, Washington and Coyote Ridge Corrections Center in Connell, Washington.

[Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 42.56 RCW. WSR 19-09-021, § 132T-175-030, filed 4/9/19, effective 5/10/19; Order 73-7, § 132T-175-030, filed 3/23/73.]

WAC 132T-175-040 Operations and procedures. Community College District No. 20 is governed by a board of trustees. The board of trustees consists of five individuals appointed by the governor to a term of five years as provided in RCW 28B.50.100. The board usually meets once a month in regular session on a date and at a time and place specified by public notice, and at special meetings announced by public notice. On occasion, the board may not meet in a particular calendar month. At such time, the trustees exercise the power and duties granted to the board by RCW 28B.50.140. The day-to-day operation and administration of the district, pursuant to policy established and approved by the board of trustees, is implemented through the office of the district president or designee.

[Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 42.56 RCW. WSR 19-09-021, § 132T-175-040, filed 4/9/19, effective 5/10/19; Order 73-7, § 132T-175-040, filed 3/23/73.]

WAC 132T-175-050 Public records available. All public records of the district, as defined in WAC 132T-175-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided in RCW 42.56.210 or other statutes and chapter 132T-175 WAC.

[Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 42.56 RCW. WSR 19-09-021, § 132T-175-050, filed 4/9/19, effective 5/10/19; Order 73-7, § 132T-175-050, filed 3/23/73.]

WAC 132T-175-060 Public records officer. (1) The district's public records shall be in the charge of the public records officer designated by the district president. The public records officer shall be responsible for: Implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.56 RCW.

(2) Any person wishing to request access to public records of the district, or seeking assistance in making such a request, should contact the public records officer:

Public Records Officer
Walla Walla Community College
500 Tausick Way
Walla Walla, WA 99362
phone: 509-522-2500
email: publicrecords@WWCC.edu

Information is also available at the district's web site at www.wwcc.edu.

(3) The public records officer will oversee compliance with the Public Records Act, but another district staff member may process requests. Therefore, throughout this chapter, references to the public records officer shall mean the public records officer or his/her designee.

[Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 42.56 RCW. WSR 19-09-021, § 132T-175-060, filed 4/9/19, effective 5/10/19; Order 73-7, § 132T-175-060, filed 3/23/73.]

WAC 132T-175-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. For the purposes 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 and days of closure established by the college calendar or by order of the district president.

[Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 42.56 RCW. WSR 19-09-021, § 132T-175-070, filed 4/9/19, effective 5/10/19; Order 73-7, § 132T-175-070, filed 3/23/73.]

WAC 132T-175-080 Requests for public records. (1) Any person wishing to inspect or receive copies of public records of the district should make the request in person during the district's customary office hours, or in writing on the district's public records request form, or by letter, or by email addressed to the public records officer. While no official format is required for making a records request, the district recommends that the requestor submit requests us-

ing the district provided request form. The request form is available at the office of the public records officer and online at www.wvcc.edu. Regardless of format, the request must include the following information:

- (a) The name of the person requesting the record;
- (b) Address of the requestor;
- (c) Other contact information, including telephone number and any email address;
- (d) Identification of the public records adequate for the public records officer to locate the records; and
- (e) The calendar date and time of day on which the request was made.

(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 to assist the member of the public in appropriately identifying the public record requested.

(3) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or to make a deposit. Charges for copies are provided in a fee schedule available at Walla Walla Community College and at www.wvcc.edu.

(4) The public records officer may accept requests for public records that contain the information in subsection (1) of this section by telephone. If the public records officer accepts such a request, he/she will confirm receipt of the information and the substance of the request in writing.

(5) Upon receipt of a request, the district will assign it a tracking number and log it in.

(6) The public records officer will evaluate the request according to the nature of the request, volume, and availability of requested records.

(7) **Acknowledging receipt of request.** Following the initial evaluation of the request, and within five business days of receipt of the request, the public records officer will do one or more of the following:

(a) Make the records available for inspection or copying including:

(i) If copies are available on the district's internet web site, provide an internet address and link to the web site to specific records requested;

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

(b) Acknowledge receipt of the request and provide a reasonable estimate of when records or an installment of records will be available (the public records officer may revise the estimate of when records will be available); or

(c) Acknowledge receipt of the request and ask the requestor to provide clarification for a request that is unclear, and provide, to the greatest extent possible, a reasonable estimate of time the district will require to respond to the request if it is not clarified.

(i) Such clarification may be requested and provided by telephone and memorialized in writing;

(ii) If the requestor fails to respond to a request for clarification and the entire request is unclear, the district need not respond to it. The district will respond to those portions of a request that are clear.

(d) Deny the request.

(8) **Consequences of failure to respond.** If the district does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the public records officer to determine the reason for failure to respond.

(9) **Protecting the rights of others.** In the event that the requested records contain information that may affect the rights of others and may be exempt from disclosure, the public records officer 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.

(10) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the district believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief written 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 will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(11) **Inspection of records.**

(a) Consistent with other demands, the district 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. The requestor shall indicate which documents he or she wishes the district to copy.

(b) The requestor must claim or review the assembled records within thirty days of the district's notification that the records are available for inspection or copying. The district will notify the requestor in writing of this requirement and inform the requestor to contact the district to make arrangements to review or claim the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period, or make other arrangements, the district may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(12) **Providing copies of records.** After inspection is complete, the public records officer will make the requested copies or arrange for copying. If the district charges for copies, the requestor must pay for the copies.

(13) **Providing records in installments.** When the request is for a large number of records, the public records officer will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer may stop searching for the remaining records and close the request.

(14) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer will indicate that the district has completed a reasonable search for the requested records and made any located non-exempt records available for inspection.

(15) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request, or fails to clarify an entirely unclear request, or fails to fulfill his or her obligations to inspect the records, pay the deposit, pay the required fees for an installment, or make final payment for requested copies, the public records officer will close the request. Unless the district has already indicated in previous correspondence that the request would be closed under the above circumstances, the district will notify the requestor that it has closed the request.

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

(17) **Electronic records.** The process for requesting electronic public records is the same as that for requesting paper public records. Costs for providing electronic records are governed by RCW 42.56.120 and 42.56.130 and included in the district fee schedule.

(18) **Bot requests.** The district may deny a bot request that is one of multiple requests from the requestor to the district within a twenty-four-hour period, if the district establishes that responding to the multiple requests would cause excessive interference with other essential functions of the district.

[Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 42.56 RCW. WSR 19-09-021, § 132T-175-080, filed 4/9/19, effective 5/10/19; Order 73-7, § 132T-175-080, filed 3/23/73.]

WAC 132T-175-090 Costs of providing copies of public records.

(1) No fee will be charged for the inspection of public records.

(2) The district is not calculating actual costs for copying its records because to do so would be unduly burdensome for the following reasons:

(a) The district does not have the resources to conduct a study to determine actual copying costs for all of its records;

(b) To conduct such a study would interfere with other essential functions; and

(c) Through the legislative process, the public and requestors have commented on and have been informed of authorized fees and costs for providing photocopies or electronically produced copies of district public records, as authorized in RCW 42.56.120 and as published in the district's fee schedule.

(3) **Fee schedule.** The fee schedule is available at the Walla Walla Community College office of the public records officer and on the district web site at www.wbcc.edu.

(a) The district may also use any other method authorized under RCW 42.56.120(4). The district may enter into an agreement with a requestor that provides an alternative fee arrangement to the charges authorized in this section, or in response to a voluminous or frequently occurring request.

(b) The district may waive charges assessed for records when the public records officer determines that collecting a fee is not cost-effective.

(c) The district will not impose copying charges for access to or downloading of records that the district routinely posts on its public internet web site prior to receipt of a request unless the requestor

has specifically requested that the district provide copies of records through other means.

(4) **Processing payments.** Before beginning to make copies, the public records officer may require a deposit of up to ten percent of the estimated costs of copying all records selected by the requestor. The public records officer may also require the payment of the remainder of the copying costs before providing all records, or the payment of the costs of copying an installment before providing the installment. The district will not charge sales tax when making copies of public records.

(5) **Costs of mailing.** The district may also charge actual costs of mailing, including the cost of the shipping container.

(6) **Payment.** Payment may be made by exact cash, check, credit card, debit card, or money order to Walla Walla Community College.

(7) The district will close a request when a requestor fails to make payment by the payment due date in the manner prescribed for records, an installment of records, or a required deposit.

[Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 42.56 RCW. WSR 19-09-021, § 132T-175-090, filed 4/9/19, effective 5/10/19; Order 73-7, § 132T-175-090, filed 3/23/73.]

WAC 132T-175-100 Exemptions. (1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. The district reserves the right to determine that a public record, or any portion thereof, requested in accordance with WAC 132T-175-080 is exempt under the Public Records Act.

(2) Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by the district for inspection and copying. This is not an exhaustive list as numerous exemptions exist due to an academic setting. The district's failure to list an exemption here shall not affect the efficacy of any exemption.

(a) RCW 5.60.060 Who is disqualified—Privileged communications.

(b) 20 U.S.C. 1232g Family Educational Rights and Privacy Act (FERPA).

(c) 42 U.S.C. 405 (c) (2) (vii) (1) Social Security numbers.

(d) 45 C.F.R. 16-0164 HIPAA privacy rule.

(e) Chapter 10.97 RCW, regarding criminal history information.

(3) The district is prohibited by RCW 42.56.070 from disclosing lists of individuals for commercial purposes.

(4) 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 28B.50.14 [28B.50.140] and chapter 42.56 RCW. WSR 19-09-021, § 132T-175-100, filed 4/9/19, effective 5/10/19; Order 73-7, § 132T-175-100, filed 3/23/73.]

WAC 132T-175-110 Review of denials of public records requests.

(1) Any person who objects to the denial, or partial denial, of a request for a public record may petition in writing (including email) to

the public records officer for review of that decision. The written request shall include a copy of or reasonably identify the written statement by the public records officer denying the request.

(2) Immediately after receiving a written request for review of a decision denying access to a public record, the public records officer shall refer the written request and any other relevant information to the district president or designee. The president or designee shall immediately consider the matter and either affirm or reverse such denial within two business days following receipt of the written request for review or within such other time frame as the district and the requestor mutually agree to.

(3) Pursuant to RCW 42.56.530, if the district denies a requestor access to public records because it claims the record in whole or in part is exempt, the requestor may make a request to the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) 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 following the initial denial regardless of any internal administrative appeal.

[Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 42.56 RCW. WSR 19-09-021, § 132T-175-110, filed 4/9/19, effective 5/10/19; Order 73-7, § 132T-175-110, filed 3/23/73.]

WAC 132T-175-120 Protection of public records. (1) It is the policy of the district, in order to protect public records from damage or disorganization and to prevent excessive interference with other essential functions of the district, that original copies of records are not to be taken from the district designated area of custody or storage. Any inspection or copying of records subject to this chapter is to occur at places designated by the public records officer. The fullest assistance to inquiries and timely action on requests for information, consistent with protection of the public records, is to be supplied.

(2) A variety of records are available on the district web site at www.wvcc.edu. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

[Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 42.56 RCW. WSR 19-09-021, § 132T-175-120, filed 4/9/19, effective 5/10/19; Order 75-3, § 132T-175-120, filed 2/27/75; Order 73-7, § 132T-175-120, filed 3/23/73.]

WAC 132T-175-130 Records index. (1) Index.

The district will make available an index which provides identifying information as to records maintained in accordance with its records retention schedule. These include, but are not limited to, the following:

- (a) Board of trustees minutes and reports;
- (b) Financial records and budgets;
- (c) Staff manuals and instructions to staff that affect a member of the public;
- (d) Strategic plan;
- (e) Facility master plans;

- (f) Policies and procedures;
 - (g) Accreditation reports, self-studies, and related correspondence;
 - (h) Integrated post-secondary education data system (IPEDS) data;
 - (i) Cost of attendance; and
 - (j) Clery Act compliance.
- (2) **Availability.**

The index and related records retention schedule will be available under the same rules as applied to public records.

[Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 42.56 RCW. WSR 19-09-021, § 132T-175-130, filed 4/9/19, effective 5/10/19; Order 73-7, § 132T-175-130, filed 3/23/73.]

WAC 132T-175-150 Adoption of form. The district shall adopt a form for use by persons requesting inspection and/or copying or copies of its records.

[Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 42.56 RCW. WSR 19-09-021, § 132T-175-150, filed 4/9/19, effective 5/10/19; Order 73-7, § 132T-175-150, filed 3/23/73.]