

WAC 182-70-610 Complaints. (1) Any complaint filed pursuant to WAC 82-75-605 must be in writing and include the following information, if known:

(a) The name and contact information of the complainant;
(b) The specific facts supporting the violation alleged, including the dates, and locations for all events upon which the complaint is made;

(c) The facts upon which the complaint is based; and

(d) The name of the individual(s) and organization the complainant believes has committed an inappropriate disclosure or use of protected information and should be subject to penalties.

(2) If sufficient information is provided as required in subsection (1)(b) through (d) of this section, the office will accept the complaint without the complainant's name and contact information. In cases when the name and contact information is not provided, the complainant waives any future contact or notification from the office regarding the complaint.

(3) The complainant must provide additional information if requested by the lead organization or the office.

(4) Complaints alleging the lead organization made inappropriate disclosure or use of protected information must be filed directly with the office. The complaint must contain the information required in subsection (1) of this section. If a complaint of this nature is filed with the lead organization, the lead organization must forward to the office within one business day of receipt, without further review or action.

(5) Regardless of whether the complaint was filed with the office or the lead organization, except as provided by subsection (4) of this section, the lead organization will review the complaint and compile any information it may have related to the complaint. The lead may review the complaint as to whether the facts as presented support the finding of an inappropriate disclosure or use of protected information. The lead organization must forward the complaint, and all supporting documents to the office, including the result of any initial review the lead may have undertaken.

(6) The office must review the information provided by the lead organization pursuant to subsection (5) of this section.

(a) If the office determines that the facts as presented, if true, support the finding of an inappropriate disclosure or use of protected information, the office will conduct an investigation to substantiate the allegations.

(b) If the office determines that the facts as presented, if true, do not support the finding of an inappropriate disclosure or use of protected information, the office will close the complaint without further action. If closed without further action, the notice will include the basis for that determination.

(c) The office may conduct the investigation, or contract with a third party, other than the lead organization or a subcontractor to the lead organization, to conduct the investigation.

(7) The office will notify the complainant in writing and state whether the complaint will be investigated or closed without action.

[WSR 19-24-090, recodified as § 182-70-610, filed 12/3/19, effective 1/1/20. Statutory Authority: RCW 43.371.070 (1)(h). WSR 18-15-002, § 82-75-610, filed 7/5/18, effective 8/5/18.]