

WAC 222-08-090 Disclosure of public records. Public records may be inspected or copies of such records obtained, upon compliance with the following procedure:

(1) A request shall be made in writing, by fax or electronic mail, to the public records officer or designee. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The calendar date of the request; and
- (c) A description of the record(s) requested.

(2) Within five business days of receiving a public records request, as required by RCW 42.56.520, the office shall respond by:

- (a) Providing the record; or
- (b) Acknowledging that the office has received the request and providing a reasonable estimate of time required to respond; or
- (c) Denying the request.

(3) The office may request additional time to provide the records based upon the need to:

- (a) Clarify the intent of the request;
- (b) Locate and assemble the information requested;
- (c) Notify third persons or agencies who may be affected by the request; or
- (d) Determine whether any of the information requested is exempt and that a denial should be made for all or part of the request.

(4) The public records officer may, if it deems the request is unclear, ask the requestor to clarify the information the requestor is seeking. If the requestor fails to clarify the request, the office need not respond to it.

(5) Public records shall be available for inspection in the office 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 during board meetings.

(6) No fee shall be charged for the inspection of public records. The board's charges for producing public records shall follow the fee schedule established in RCW 42.56.120, because calculating the actual costs associated with records production would be unduly burdensome. The public records officer may waive the fees for de minimus [minimis] requests. Before releasing the copies, the public records officer may require a deposit not to exceed ten percent of the estimated cost.

(7) The public records officer may determine that all or a portion of a public record is exempt under the provisions of chapter 42.56 RCW. Pursuant to RCW 42.56.070(1) and 42.56.210(1), the public records officer may redact portions of public records. The public records officer will explain the reasons for such redaction in writing, including the exemption that applies.

(8) Any denial of a request for public records shall be in writing, specifying the reason for the denial, including the specific exemption authorizing the nondisclosure of the record, and a brief explanation of how the exemption applies to the records withheld.

(9) Any person who objects to a denial of a request for a public record may request review of such decision by submitting a written request to the public records officer. The written request shall specifically refer to the written statement by the public records officer or designee which constituted or accompanied the denial.

(10) Immediately after receiving a written request for review of a decision denying disclosure of a public record, the public records officer or designee denying the request shall refer it to the chair of the board. The chair shall consider the matter and either affirm or reverse such denial.

(11) Administrative remedies shall not be considered exhausted until the chair of the board or designee has returned the request for review with a decision or until the close of the second business day following receipt of the written request for review of the denial of the public record, whichever occurs first.

[Statutory Authority: RCW 76.09.040 and chapter 42.56 RCW. WSR 18-07-012, § 222-08-090, filed 3/9/18, effective 4/9/18. Statutory Authority: RCW 76.09.040. WSR 08-24-011, § 222-08-090, filed 11/21/08, effective 12/22/08. Statutory Authority: RCW 34.05.220, 42.17.250, 42.17.260, and 76.09.040. WSR 04-05-122, § 222-08-090, filed 2/18/04, effective 3/20/04.]