

**Chapter 230-21 WAC
PUBLIC DISCLOSURE**

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WAC

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	PUBLIC DISCLOSURE
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WAC 230-21-001 Purpose. The purpose of this chapter is to ensure the Washington state gambling commission complies with the Public Records Act, chapter 42.56 RCW and the Criminal Records Privacy Act, chapter 10.97 RCW.

[Statutory Authority: RCW 9.46.070 and 10.97.080. WSR 12-23-043 (Order 681), § 230-21-001, filed 11/16/12, effective 1/1/13. Statutory Authority: RCW 9.46.070. WSR 07-19-070 (Order 616), § 230-21-001, filed 9/17/07, effective 1/1/08.]

PUBLIC DISCLOSURE

WAC 230-21-005 Types of public records, location, and times available. All public records of the commission are available for public inspection and copying unless the law provides otherwise. The location of the records and times they are available are:

(1) **Location of public records** - All public records of the commission are located at our administrative office in Lacey.

(2) **Times available** - All public records are available for inspection and copying during normal office hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. Unless someone makes in advance a written request to view them, public records may not be available during the period 12:00 noon to 1:00 p.m.

[Statutory Authority: RCW 9.46.070. WSR 07-19-070 (Order 616), § 230-21-005, filed 9/17/07, effective 1/1/08.]

WAC 230-21-010 Public records officers. The director designates the public records officers in charge of our public records. These persons must be located in our main administrative offices. Public records officers are responsible for:

(1) Implementing our rules regarding the release of public records;

(2) Coordinating the staff of the commission in this regard;

(3) Maintaining, keeping current, and publishing an index of all agency records as chapter 42.56 RCW requires; and

(4) Generally insuring staff complies with chapter 42.56 RCW.

[Statutory Authority: RCW 9.46.070. WSR 07-19-070 (Order 616), § 230-21-010, filed 9/17/07, effective 1/1/08.]

WAC 230-21-015 Requests for public records. According to chapter 42.56 RCW, members of the public may inspect, copy, or get copies of public records if they comply with the following procedures:

(1) Make a request in writing on the form we require and have available at our administrative office; and

(2) Present the form at our administrative office during normal office hours to commission staff designated to receive requests, or send it by mail; and

(3) Commission staff must assist the public in identifying the appropriate public record requested; and

(4) If a person is not specifically authorized by law to obtain lists of names of individuals from public records, that person must complete a statement agreeing not to release or use the public record information for commercial purposes.

[Statutory Authority: RCW 9.46.070. WSR 07-19-070 (Order 616), § 230-21-015, filed 9/17/07, effective 1/1/08.]

WAC 230-21-016 Costs of providing public records. (1) There is no fee for the inspection of public records.

(2) Pursuant to RCW 42.56.120(2), we are not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) We do not have the resources to conduct a study to determine actual copying costs for all of our records; and

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

(c) Through the 2017 legislative process, the public and requestors 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).

(3) We may charge fees for the production of copies of public records consistent with the fee schedule established in RCW 42.56.120. The fee schedule also is published on our website at www.wsgc.wa.gov and a copy of the fee schedule will be made available at agency headquarters listed in WAC 230-01-005.

(4) Before copying requested public records, we may require a deposit of up to ten percent of the estimated costs of copying all of the records. We may also require payment of the remainder of the copying costs before providing all of the records, or the payment of the costs of copying an installment before providing the installment.

(5) We may provide customized electronic access to public records if we estimate that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by us for any other agency purposes. We will charge the actual costs, including staff time, necessary to reimburse our agency for providing customized electronic access services.

(6) We will not release any requested copies of public records unless and until the requestor has paid all copying and other charges set forth in this section.

(7) Payment may be made by cash, check, or money order to the Washington state gambling commission. Cash payments must be in the exact amount and delivered to the physical address listed in WAC 230-01-005.

(8) We may waive fees for providing public records at the discretion of the director or director's designee. This determination will be made on a case-by-case basis.

[Statutory Authority: RCW 9.46.070 and 42.56.120. WSR 20-16-126, § 230-21-016, filed 8/3/20, effective 9/3/20.]

WAC 230-21-020 Denying public disclosure requests. With all denials of requests for public records, we provide a written statement explaining the reason for the denial. The statement includes:

- (1) The specific exemption that authorizes us to withhold the record; and
- (2) A brief explanation of how the exemption applies to the record we withheld.

[Statutory Authority: RCW 9.46.070. WSR 07-19-070 (Order 616), § 230-21-020, filed 9/17/07, effective 1/1/08.]

WAC 230-21-025 Protection of public records. We are a law enforcement and regulatory agency and a licensing agency.

(1) Individuals may inspect the public records at the administrative offices where we file and maintain the records. An authorized member of our staff must accompany and observe the inspection.

(2) We will deny inspection and withdraw the records if the individual inspecting the records:

- (a) Is damaging, altering, or substantially disorganizing them;
- or
- (b) Attempts to remove them; or
- (c) Is excessively interfering or will unduly interfere with our other essential functions.

[Statutory Authority: RCW 9.46.070. WSR 07-19-070 (Order 616), § 230-21-025, filed 9/17/07, effective 1/1/08.]

REQUESTING CRIMINAL HISTORY RECORD INFORMATION

WAC 230-21-030 Inspecting your criminal history record information. You may inspect your criminal history record information (CHRI) held by us at our administrative office, during normal business hours, Monday through Friday, except for legal holidays. You must request your CHRI in writing on the form we require. CHRI is defined in RCW 10.97.030.

(1) Before reviewing or obtaining copies of your CHRI, you must provide at least two forms of identification, one of which includes your photograph, such as your state issued identification, state issued driver license, or passport. Alternatively, you must provide fingerprints that will be taken at our administrative office and will be used for verification purposes.

(2) We will charge a reasonable fee for fingerprinting and providing a copy of your CHRI.

(3) After we verify your identity, we will notify you when you will be allowed to review your records.

(4) You will be allowed a reasonable period of time to examine your CHRI at our administrative office.

(5) If you need assistance, you may designate your counsel, interpreter, or other appropriate person to help you. You must consent, on the form we require, for the person to assist you.

(6) If you would like to make corrections or challenge your CHRI, you must do so in accordance with RCW 10.97.080.

[Statutory Authority: RCW 9.46.070 and 10.97.080. WSR 12-23-043 (Order 681), § 230-21-030, filed 11/16/12, effective 1/1/13.]