

TRANSMITTAL OF RULES ADOPTED
STATUTE LAW COMMITTEE
FROM: OFFICE OF THE CODE REVISER
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 8
Emergency rules
relating to (Name of rules or description of subject matter)

Adoption of a new chapter 1-06 WAC concerning public records rules and regulations.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 4810 ^① filed with the code reviser on 8/21/74 ^② were regularly adopted as permanent rules of this (date) Offices of Lane, Powell, Moss and Miller agency at 1700 Washington Bldg. on 9/21/74 and are herewith (place) Seattle, Wa. (date) filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be _____ ^③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of these rules is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, were regularly adopted as emergency rules of this agency at _____ on _____ and are herewith filed in (place) (date) the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this 21st day of September 1974.

STATE OF WASHINGTON
FILED
SEP 25 1974
CODE REVISER'S OFFICE
DOCKET # 995 FILE # 1

(AGENCY)
Rowlett
By _____
CODE REVISER
Title _____

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
- ② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
- ③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING:
RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.
FORM REVISED, EFFECTIVE 8/9/71 [FORM CR-2]

STATE OF WASHINGTON
STATUTE LAW COMMITTEE
OFFICE OF THE CODE REVISER

ADMINISTRATIVE ORDER NO. 8

(1) I, Richard O. White, Secretary of the Statute Law Committee and Code Reviser of the State of Washington, by virtue of the authority vested in me under chapters 34.04 and 1.08 RCW and pursuant to RCW 42.17.250, after due notice and in meeting open to the public, held at Seattle, Washington, on September 21, 1974, as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt the annexed rules and regulations, to wit:

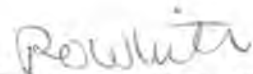
Adoption of a new chapter 1-06 WAC concerning
Public Records Rules and Regulations

as permanent rules of this agency.

This order after being first recorded in the order register of this agency shall be filed in the office of the Code Reviser pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED September 21, 1974.

BY



RICHARD O. WHITE
Code Reviser

Chapter 1-06

PUBLIC RECORDS RULES AND REGULATIONS
FOR THE STATUTE LAW COMMITTEE/
OFFICE OF THE CODE REVISER

WAC

- 1-06-010 Purpose.
- 1-06-020 Definitions.
- 1-06-030 Description of central and field organization.
- 1-06-040 Operations and procedures.
- 1-06-050 Public records available.
- 1-06-060 Public records officer.
- 1-06-070 Office hours.
- 1-06-080 Requests for public records.
- 1-06-090 Copying.
- 1-06-100 Exemptions.
- 1-06-110 Review of denials of public records request.
- 1-06-120 Protection of public records.
- 1-06-130 Records index.
- 1-06-140 Communications with the agency.
- 1-06-150 Adoption of form.

WAC 1-06-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Statute Law Committee and the Office of the Code Reviser with the provisions of chapter 42.17 RCW (Initiative 276), and in particular with sections 25 through 32 of that act, dealing with public records.

WAC 1-06-020 DEFINITIONS. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by this agency regardless of physical form or characteristics, except (a) those records of the bill drafting functions of the code reviser deemed confidential pursuant to RCW 1.08.027 and (b) computer programs, products, and data bases deemed exempt pursuant to RCW 42.17.310.

Public record as relates to this agency does not include computer programs, products, and data bases prepared, owned, used, or retained by this agency for the benefit of another state agency. Applications for the disclosure of such records should be addressed to the agency in interest.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

(3) "Committee" means the Statute Law Committee created pursuant to chapter 1.08 RCW (chapter 157, Laws of 1951).

(4) "Reviser" means the code reviser employed by the committee pursuant to RCW 1.08.011, and where appropriate the term also refers to the staff and employees of the reviser's office.

(5) "Agency" means the committee, the code reviser, and the staff and employees thereof, unless the context clearly indicates otherwise.

(6) "Records of the bill drafting functions" means any file or writing in the reviser's office created in connection with a request for preparation of legislation or research thereon, and the confidentiality of such records may be waived only by the person who requested the services of the reviser's office.

WAC 1-06-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION. (1) The office of the Code Reviser is located on the ground floor of the Legislative Building, Olympia, Washington, 98504.

(2) The Committee consists of twelve attorneys. Five are appointed by the Washington State Bar Association, two each by the Senate and House Judiciary Committees, and one

each by the Governor, the Chief Justice of the Supreme Court, and the Speaker of the House. The Committee employs a Code Reviser, who serves as its secretary.

(3) Among the primary responsibilities of the Committee and the Code Reviser is the duty to periodically codify, index, and publish the Revised Code of Washington and to revise, correct, and harmonize the statutes by means of administrative or suggested legislative action as may be appropriate. The agency is also the official bill drafting arm of the Legislature and its various committees, and prepares for the Legislature all bills, memorials, resolutions, amendments, and conference reports which activities are pursued on a nonpartisan, professional, lawyer-client, confidential basis pursuant to RCW 1.08.027, and the reviser's office pursuant to RCW 1.08.028 is proscribed from rendering written opinions concerning the constitutionality of any proposal. Immediately following each session of the Legislature, the Committee indexes and publishes the temporary edition of the session laws and subsequently publishes the permanent edition; it also responds to citizen's requests for copies of recently enacted laws. The Committee administers the Administrative Procedure Act and the State Higher Education Administrative Procedure Act, serving as official repository for the rules and regulations of the various state agencies and the institutions of higher learning, and creating and publishing the Washington Administrative Code. Through its Legislative Information System, the Committee supplies data processing services to the legislative branch including special reports to legislative members and to the legislative leadership, as well as creating and publishing the legislative digest and history of bills and the daily status report. The Legislative Information System also supplies all branches of government with automated legal research services.

WAC 1-06-040 OPERATIONS AND PROCEDURES. (1) Practice and procedure in and before the agency are governed by the Uniform Procedure Rules, chapter 1-08 WAC.

(2) The operations of the agency, including meetings, selection of officers, filling of vacancies, and fiscal matters, are conducted according to the provisions of chapter 1.08 RCW.

WAC 1-06-050 PUBLIC RECORDS AVAILABLE. All public records of the agency, as defined in WAC 1-06-020, 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 1-06-100.

WAC 1-06-060 PUBLIC RECORDS OFFICER. The agency's

public records shall be in charge of the public records officer designated by the Code Reviser. The public records officer shall be responsible for the following: The implementation of the agency's rules and regulations regarding release of public records, coordinating the staff of the agency in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

WAC 1-06-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the agency. For the purposes of this chapter, the customary office hours shall be from 8 a.m. to noon and from 1 p.m. to 5 p.m., Monday through Friday, excluding legal holidays.

WAC 1-06-080 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied 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 agency which shall be available at its office. The form shall be presented to the public records officer; or to any member of the agency's staff, if the public records officer is not available, at the office of the agency during customary office hours. The request shall include the following information:

(a) The name, address, and organization represented, if any, of the person requesting the record;

(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 the 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 the agency's current index, 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.

WAC 1-06-090 COPYING. No fee shall be charged for

the inspection of public records. The agency shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the agency's copy equipment. This charge is the amount necessary to reimburse the agency for its actual costs incident to such copying.

WAC 1-06-100 EXEMPTIONS. (1) The agency reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 1-06-080 is exempt under the provisions of RCW 1.08.027 or 42.17.310.

(2) In addition, pursuant to RCW 42.17.260 (1), the agency reserves the right to delete identifying details when it makes available or publishes any public record, in any cases where 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 records withheld.

WAC 1-06-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUEST. (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 code reviser, who shall immediately consider the matter and either affirm or reverse such denial. 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 agency has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

WAC 1-06-120 PROTECTION OF PUBLIC RECORDS. (1) No person shall knowingly alter, deface, or destroy public records of the agency.

(2) Original copies of public records of the agency shall not be removed from the offices of the agency.

(3) Care and safekeeping of public records of the

agency, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the agency shall not be permitted.

WAC 1-06-130 RECORDS INDEX. (1) A chronological index is maintained providing identifying information as to all governmental records issued, adopted, or promulgated after June 30, 1972, which are deemed by the agency to fall within the purview of RCW 42.17.260 and which are not exempted under the provisions of RCW 1.08.027 [cf. RCW 40.14.180], RCW 42.17.310, or WAC 1-06-020.

(2) The current index promulgated by the agency shall be available to all persons under the same rules and on the same rules and on the same conditions as are applied to public records available for inspection.

WAC 1-06-140 COMMUNICATIONS WITH THE AGENCY. All communications with the agency 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 agency's rules and other matters, shall be addressed as follows: Office of the Code Reviser, c/o Public Records Officer, Legislative Building, Olympia, Washington 98504.

WAC 1-06-150 ADOPTION OF FORM. The agency 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 Records".

REQUEST FOR PUBLIC RECORDS

TO: STATUTE LAW COMMITTEE/OFFICE OF THE CODE REVISER

1. _____
(Requestor's Name - Print) (Requestor's Signature)

2. _____
(Requestor's Organization - if applicable)

3. _____
(Requestor's Mailing Address)

4. _____
(Date of Request) (Phone No.) (Time of Day)

5. NATURE OF REQUEST _____

6. Document(s) Reference Identification from Public Records
Index _____

7. Description of Document(s) Requested if Not Identifiable
by Reference to Statute Law Committee/Code Reviser
Public Records Index _____

8. If the requested documents are or include a list of
individuals or companies state the purpose for which
list is intended and sign the following acknowledgement:
I promise that the list of individuals or firms
furnished hereunder will not be used for commercial
purposes.
Purpose: _____

(Signature)

(Signature required on reverse side prior to release of
requested information.)

Public records of the agency are provided for inspection and copying subject to the following regulations:

- (1) No person shall knowingly alter, deface, or destroy public records of the agency.
- (2) Original copies of public records of the agency shall not be removed from the offices of the agency.
- (3) Care and safekeeping of public records of the agency, to a request for inspection or copying, shall be the sole responsibility of the requestor.
- (4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.
- (5) Boisterous or otherwise disruptive conduct by those requesting public records of the agency shall not be permitted.
- (6) The charge for providing electrostatic copies of public records is ten cents (10¢) per 8 1/2 x 11 inch page.

I have read, understand, and will comply with the above-stated regulations.

(Signature and date)