

Title 491 WAC

VOLUNTEER FIREMAN'S RELIEF AND PENSION BOARD

Chapters

491-20 Public records.

Chapter 491-20 WAC PUBLIC RECORDS

WAC

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WAC 491-20-010 Public records available. All public records of the board for volunteer firemen, as defined in WAC 491-20-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 [RCW 42.17.310], and WAC 491-20-100. [Order II, § 491-20-010, filed 7/5/77.]

WAC 491-20-020 Definitions. (1) **PUBLIC RECORDS.** "Public record" includes 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.

(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, magnetic or punched cards, discs, drums and other documents." [Order II, § 491-20-020, filed 7/5/77.]

WAC 491-20-030 Public records officer. The board for volunteer firemen's public records shall be in the charge of the public records officer designated by the agency. The persons so designated shall be located in the administrative office of the agency. The public records officer shall be responsible for the following: The implementation of the board for volunteer firemen's rules and regulations regarding release of public records, coordinating the staff of the system in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973 [chapter 42.17 RCW]. [Order II, § 491-20-030, filed 7/5/77.]

WAC 491-20-040 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973 [chapter 42.17 RCW] that agencies prevent unreasonable invasions of privacy, protect excessive interference with essential functions of the agency, public records may be inspected 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 board for volunteer firemen which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the board's staff, if the public records officer is not available, at the administrative office of the board during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the records;
- (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 board'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. [Order II, § 491-20-040, filed 7/5/77.]

WAC 491-20-050 Copying. No fee shall be charged for the inspection of public records. The agency shall charge a fee equal to 2 the amount necessary to reimburse the agency for its actual costs incident to such copying. [Order II, § 491-20-050, filed 7/5/77.]

WAC 491-20-060 Exemptions. (1) The library reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 491-20-040 is exempt under the provisions of section 31, chapter 1, Laws of 1973 [RCW 42.17.310].

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973 [RCW 42.17.260], the library reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973 [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 record withheld. [Order II, § 491-20-060, filed 7/5/77.]

WAC 491-20-070 Review of denials of public records requests. (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 board. The board shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the board as soon as legally possible to review the denial. In any case, 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 board has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order II, § 491-20-070, filed 7/5/77.]

WAC 491-20-080 Records index. (1) INDEX. The board has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972:

"(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

"(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

"(c) Administrative staff manuals and instructions to staff that affect a member of the public;

"(d) Planning policies and goals, and interim and final planning decisions;

"(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

"(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party."

(2) AVAILABILITY. The current index promulgated by the board shall be available to all persons under the same rules and on the same conditions as are applied to

public records available for inspection. [Order II, § 491-20-080, filed 7/5/77.]

WAC 491-20-090 Request for records by mail--Address. All communications with the board including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 [chapter 42.17 RCW] and these rules; requests for copies of the board's decisions and other matters, shall be addressed as follows: Board for Volunteer Firemen, Temple of Justice, Olympia, Washington 98504. [Order II, § 491-20-090, filed 7/5/77.]

WAC 491-20-100 Adoption of form. The board 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 record." [Order II, § 491-20-100, filed 7/5/77.]

WAC 491-20-990 Appendix A--Request for public records.

APPENDIX A

REQUEST FOR PUBLIC RECORDS

Name of Requestor: _____

Address: _____

Phone: _____

Date of Request: _____

Time of Request: _____

Nature of Request: _____

1. Index Reference _____

2. If not identifiable by reference to the index, then describe the document(s) in detail _____

Signature _____

For Office Use Only:

(1) Request Record Withheld
Granted Withheld In Part

(2) If withheld, name the exemption contained in section 31, chapter 1, Laws of 1973, which authorizes the withholding of the record or part of record: Subsection (1) ().

(3) If withheld, briefly explain how the exemption applies to the record withheld.

(4) If request granted, time _____, day _____

[Order II, Appendix A (codified as WAC 491-20-990), filed 7/5/77.]