

Chapter 132E-276 WAC

GOVERNING ACCESS TO PUBLIC RECORDS

WAC

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WAC 132E-276-010 Purpose. This chapter is enacted by the board of trustees of Community College District V to ensure compliance with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign financing—Lobbying—Records; and in particular with sections 25 through 32 of that act, dealing with public records.

[Order 4393, § 132E-276-010, filed 12/28/73, effective 1/30/74.]

WAC 132E-276-020 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 any state or local agency regardless of physical form or characteristic.

(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, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums, and other documents.

(3) "District" is Washington State Community College District V, an agency organized by statute pursuant to RCW 28B.50.040. Where appropriate, the term "district" shall also refer to the board of trustees and employees of the district.

[Order 4393, § 132E-276-020, filed 12/28/73, effective 1/30/74.]

WAC 132E-276-030 Description of Community College District V. Community College District V is organized under RCW 28B.50.040. The district operates at Everett Community College, 2000 Tower Street, Everett, Washington 98201-1352, and encompasses the following area:

All of Snohomish County except the Edmonds School District No. 15, and those portions of the Mukilteo School District No. 6, the Northshore School District No. 417, and the Everett School District No. 2 that lie south of 124th Street.

[Statutory Authority: RCW 28B.50.140 and 34.05.356. 01-02-043, § 132E-276-030, filed 12/28/00, effective 1/28/01. Statutory Authority: RCW 28B.50.040. 88-12-005 (Order 88-5-3, Resolution No. 88-5-3), § 132E-276-030, filed 5/19/88; Order 4393, § 132E-276-030, filed 12/28/73, effective 1/30/74.]

(12/28/00)

WAC 132E-276-040 Operations and procedures. The district is established under RCW 28B.50.040 to implement the educational purposes set forth in RCW 28B.50.020. The district is operated under the supervision and control of a board of trustees consisting of five members appointed by the governor, each for a term of five years. Trustees hold at least one regular meeting every other month and such regular or special meetings as may be requested by the chairman of the board or by a majority of the members of the board.

[Order 4393, § 132E-276-040, filed 12/28/73, effective 1/30/74.]

WAC 132E-276-050 Public records available. All public records of the district, as defined in WAC 132E-276-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by law.

[Order 4393, § 132E-276-050, filed 12/28/73, effective 1/30/74.]

WAC 132E-276-060 Records officer. For purposes of compliance with chapter 1, Laws of 1973, a records officer shall be designated by the president of the district. The duties of the records officer shall be as provided by the president of the district and may include, but not be limited to: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. The person so designated shall be located in district headquarters.

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et. seq. 88-14-013 (Order 88-6A-7, Resolution No. 88-6A-7), § 132E-276-060, filed 6/27/88; Order 4393, § 132E-276-060, filed 12/28/73, effective 1/30/74.]

WAC 132E-276-070 Office hours. For purposes of this chapter, the office hours of Community College District V shall be regular business hours, Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 28B.50.140 and 42.17.250 et. seq. 88-14-013 (Order 88-6A-7, Resolution No. 88-6A-7), § 132E-276-070, filed 6/27/88; Order 4393, § 132E-276-070, filed 12/28/73, effective 1/30/74.]

WAC 132E-276-080 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973, 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 required to be disclosed by chapter 1, Laws of 1973, may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedures: All requests shall be directed to the records officer at district headquarters. The request shall be in writing and shall include the following information:

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- (1) The name of the person requesting the record;
- (2) The calendar date and time of day the request was made;
- (3) The public record requested. 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 shall be deemed to be sufficient to identify the record requested; if the requested matter is not identifiable by reference to the district's current index, the request shall be sufficiently specific and complete so as to distinguish the material requested;
- (4) The purpose for which the public record is requested.

[Order 4393, § 132E-276-080, filed 12/28/73, effective 1/30/74.]

WAC 132E-276-090 Commercial purposes. No provision of any regulation contained in this chapter shall be construed as giving authority to any officer or staff member of the district to give, sell or provide access to lists of individuals for commercial purposes.

[Order 4393, § 132E-276-090, filed 12/28/73, effective 1/30/74.]

WAC 132E-276-100 Inspection of public records—Copying. (1) Public records of the district required to be disclosed by chapter 1, Laws of 1973, shall be provided for inspection and copying by those requesting such records by the records officer. Persons requesting such records may not remove them from the premises.

(2) No fee shall be charged for inspection of public records. The district may impose a charge for providing copies of public records; such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying.

(3) No person shall be provided a copy of a public record which has been copied by the district at the request of such person until and unless such person has tendered payment for providing such copy.

[Order 4393, § 132E-276-100, filed 12/28/73, effective 1/30/74.]

WAC 132E-276-110 Exemptions. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132E-276-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the district reserves the right to delete identifying details when it makes available or publishes any public record in any cases in which disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973.

(3) Responses by the district refusing, in whole or in part, inspection of any record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

(4) Pursuant to section 33, chapter 1, Laws of 1973, the district reserves the right to seek to enjoin the examination of any specific record, the examination of which the district determines would clearly not be in the public interest and would substantially and irreparably damage any person or

would substantially and irreparably damage vital governmental functions.

[Order 4393, § 132E-276-110, filed 12/28/73, effective 1/30/74.]

WAC 132E-276-120 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may submit to the records officer a petition for prompt review of such decision. The written request shall specifically refer to the written statement by the records officer which accompanied the denial.

(2) Immediately after receiving a written request of review of a decision denying a public record, the records officer shall refer it to the office of the district president. The petition shall be reviewed promptly and the action of the records officer shall be approved or disapproved. Such approval or disapproval shall constitute final district action for purposes of judicial review.

[Order 4393, § 132E-276-120, filed 12/28/73, effective 1/30/74.]

WAC 132E-276-130 Records index. The district shall maintain and make available for public inspection and copying an appropriate index in accordance with section 26, chapter 1, Laws of 1973.

[Order 4393, § 132E-276-130, filed 12/28/73, effective 1/30/74.]