

Chapter 132X-10 WAC

PUBLIC RECORDS

WAC

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WAC 132X-10-010 Purpose. The purpose of this chapter shall be to ensure compliance by the South Puget Sound Community College District 24 with the provisions of chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular with RCW 42.17.250 through 42.17.340, dealing with public records.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-10-010, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-10-010, filed 10/18/88.]

WAC 132X-10-020 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, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents."

(3) South Puget Sound Community College District 24. The South Puget Sound Community College District 24 is an agency organized by statute pursuant to RCW 28B.50.040. Where appropriate, the term college also refers to the staff, the board of trustees, and the employees of the college.

[Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-10-020, filed 10/18/88.]

WAC 132X-10-030 Description of central and field organization of South Puget Sound Community College District 24. South Puget Sound is a community college district organized under RCW 28B.50.040. The district administrative office and its staff are located at South Puget Sound Community College, 2011 Mottman Road, S.W., Olympia, Washington 98512.

(2/8/00)

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-10-030, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-10-030, filed 10/18/88.]

WAC 132X-10-040 Operations and procedures. The college is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members each appointed by the governor to a term of five years. The trustees meet on the South Puget Sound Community College campus in accordance with public notice and hold such special meetings as are announced by public notice. At such time the trustees exercise the powers and duties granted it under RCW 28B.50.140.

[Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-10-040, filed 10/18/88.]

WAC 132X-10-050 Public records available. All public records of the college, as defined in WAC 132X-10-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310, 42.17.315, 42.17.260(1) and WAC 132X-10-100.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-10-050, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-10-050, filed 10/18/88.]

WAC 132X-10-060 Public records officer. The college's public records shall be in the charge of the public records officer designated by the president. The person so designated at the college is the vice-president for human resources. The public records officer shall be responsible for the following: The implementation of the college's rules and regulations regarding release of public records, coordinating the staff of the college in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of RCW 42.17.250 through 42.17.340.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-10-060, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-10-060, filed 10/18/88.]

WAC 132X-10-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the college. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-10-070, filed 10/18/88.]

WAC 132X-10-080 Requests for public records. In accordance with requirements of RCW 42.17.250 through 42.17.340 that agencies prevent unreasonable invasions of

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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 should be made in writing upon a form prescribed by the college which shall be available at its administrative office. The form shall be presented to the public records officer and/or his/her designees, at the administrative office during customary office hours. The request shall include the following information:

- (a) The name 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 college'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 and/or his/her designees, to assist the member of the public in appropriately identifying the public record requested.

(3) The public records officer and/or his/her designee to whom the request is presented shall, by the close of five business days:

- (a) Make the requested document available; or
- (b) State that such a document does not exist; or
- (c) Ask for clarification of the document requested; or
- (d) Deny access because the document is exempt from public inspection under WAC 132X-10-050.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-10-080, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-10-080, filed 10/18/88.]

WAC 132X-10-090 Copying. No fee shall be charged for the inspection of public records. The college shall charge a fee of 15¢ per page of copy for providing copies of public records and for use of the college's copy equipment. This charge is the amount necessary to reimburse the college for its actual costs incident to such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the college will provide copies at a rate sufficient to cover any additional cost. All fees must be paid by money order, cashier's check or cash in advance.

[Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-10-090, filed 10/18/88.]

WAC 132X-10-100 Exemptions. (1) The college reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132X-10-080 is exempt under the provisions of RCW 42.17.310, 42.17.315 and 42.17.260.

(2) In addition, pursuant to RCW 42.17.260, the college 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. The public records officer and/or his/her designee 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.

(4) The release or disclosure of student educational records is governed by federal regulation (FERPA). Separate and different procedures are established by the college for student educational records.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-10-100, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-10-100, filed 10/18/88.]

WAC 132X-10-110 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 and/or his/her designees 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 and/or his/her designee denying the request shall refer it to the president. The president or his/her designee shall consider the college's obligation to comply with the intent of chapter 42.17 RCW, the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the statutory provisions which require the college to protect public records from damage or disorganization, prevent excessive interference with essential college functions, and prevent any unreasonable invasion of personal privacy by deleting identifying details. In any case, the request shall be returned with a final decision, within five business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the college has returned the petition with a decision or until the close of the fifth business day following denial of inspection, whichever occurs first.

(4) Whenever the college concludes that a public record is exempt from disclosure and denies inspection and copying, the requestor may request a review of the matter by the office of the attorney general. A written request for review by the attorney general's office, along with a copy of the request and the college's written denial should be sent directly to the office of attorney general in Olympia, Washington. The office of the attorney general will conduct a prompt and independent review of the request and the college's denial and provide a written opinion as to whether the record requested is exempt from disclosure. This review is not binding upon the college or the requestor.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-10-110, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-10-110, filed 10/18/88.]

WAC 132X-10-120 Protection of public records. Requests for public records shall be to the public records officer and/or his/her designees in the appropriate location. Public records and a facility for their inspection will be provided

