

Chapter 208-12 WAC

PUBLIC RECORDS

WAC

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WAC 208-12-010 Purpose—Scope—Conflict with other regulations. The purpose of this chapter is to ensure compliance with chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular RCW 42.17.250 through 42.17.348 dealing with public records. It establishes general, consistent rules regarding public records. Divisions may adopt additional rules to supplement this chapter. If specific rules adopted by a division conflict with this chapter, the specific rules control in those situations.

[Statutory Authority: RCW 43.320.040 and 42.17.250. 96-14-082, § 208-12-010, filed 7/1/96, effective 8/1/96.]

WAC 208-12-020 Definitions. "Person" means any individual, partnership, joint venture, public or private corporation, limited liability company, association, federal, state or local government entity or agency however constituted, or any other organization or group of persons, however organized.

"Public record" means 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 the department regardless of physical form or characteristics.

"Writing" means handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

[Statutory Authority: RCW 43.320.040 and 42.17.250. 96-14-082, § 208-12-020, filed 7/1/96, effective 8/1/96.]

WAC 208-12-030 Description of organization of department. The department is an administrative, supervisory, licensing, regulatory and chartering agency.

(1) The department is organized pursuant to chapter 43.320 RCW under a director and four assistant directors. The director has delegated authority to each assistant director

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to act in a specific functional area. The four functional areas are: The division of banks; the consumer services and administration division; the division of credit unions; and the securities division. These divisions regulate various programs, such as banks, trust companies, savings banks, savings and loan associations, alien banks, bank holdings companies, agricultural credit corporations, consumer loan companies, check cashers and sellers, mortgage brokers, escrow agents, credit unions, securities, mutual funds, commodities, franchises, business opportunities, and other similar institutions or areas.

(2) The department is charged with protecting the public interest, protecting the safety and soundness of depository institutions and entities under the jurisdiction of the department, ensuring access to the regulatory process for all concerned parties, and protecting the interests of investors.

(3) The governor appoints the director, with the consent of the senate. The director holds office at the pleasure of the governor.

(a) The director has complete charge of the department. The director may deputize one of the assistant directors to exercise the powers and duties of the director in the event of his or her absence. The director may delegate duties to assistant directors, but there are statutory limitations in RCW 43.320.060 to his power to delegate, and the director remains responsible for all official acts of the employees.

(b) By specific powers of legislation and delegation the director has the responsibility and authority to act and direct in the following areas:

(i) Administer the laws pertaining to licensing and regulation of state banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, trust companies and departments, securities, mutual funds, franchises, business opportunities, commodities, escrow agents, mortgage brokers, and other similar institutions or areas. A full-time staff, including field examiners, carries out these duties.

(ii) Adopt and enforce rules consistent with and necessary to carry out the provisions of existing laws.

(4) Chapter 34.05 RCW, the Administrative Procedure Act, and department rules govern the formal and informal proceedings conducted by the department.

[Statutory Authority: RCW 43.320.040 and 42.17.250. 96-14-082, § 208-12-030, filed 7/1/96, effective 8/1/96.]

WAC 208-12-040 Location of administrative offices. The administrative offices of the department and all divisions are located in Room 300 of the General Administration Building, 210 - 11th Avenue SW, Olympia, Washington; P.O. Box 41200, Olympia, WA 98504-1200.

[Statutory Authority: RCW 43.320.040 and 42.17.250. 96-14-082, § 208-12-040, filed 7/1/96, effective 8/1/96.]

WAC 208-12-050 Office hours. Public records are available for inspection and copying during customary office hours. For the purposes of this chapter, customary office hours are from 8:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 43.320.040 and 42.17.250. 96-14-082, § 208-12-050, filed 7/1/96, effective 8/1/96.]

WAC 208-12-070 Procedure to request public records. (1) Members of the public may inspect, copy or obtain copies of public records by making a request on the public records request form prescribed by the division holding the record. The form is available at the administrative office and should be given or mailed to the appropriate division. The request shall include the following information:

- (a) The name of the person requesting the records;
- (b) The date and time of day on which the request was made;
- (c) The nature of the request;
- (d) If the record requested is referenced within the index, a reference to the requested record as it is described in the index; and
- (e) If the requested matter is not identifiable by reference to the index, an appropriate description of the record requested.

(2) The staff person to whom the request is made will assist in identifying the public record requested.

(3) The department may inquire about the reason for a request for a list of individuals to determine whether the list will be used for commercial purposes.

(4) All requests for public records will be acknowledged within five working days after receipt with:

- (a) The information requested;
 - (b) An estimated time required to respond to the request;
- or
- (c) A denial of the request.

[Statutory Authority: RCW 43.320.040 and 42.17.250. 96-14-082, § 208-12-070, filed 7/1/96, effective 8/1/96.]

WAC 208-12-080 Protection of public records. It is the department's responsibility to prevent unreasonable invasions of privacy, protect public records from destruction, damage or disorganization, and prevent excessive interference with essential functions of the department. Before a person may review original records, that person must agree to the following conditions:

- (1) The records may not be removed from the area designated for review;
- (2) The records may not be destroyed;
- (3) The records may not be altered in any way;
- (4) The records may not be defaced in any way, including marking upon, folding or folding anew if in folded form, tracing or fastening with clips or other fasteners except those that already exist in the file;
- (5) The records may not be cut, torn or mutilated in any way;
- (6) The records must be kept in the order in which received; and
- (7) The records will be returned to the department when no longer required by the requester, but no later than the end of customary business hours.

[Statutory Authority: RCW 43.320.040 and 42.17.250. 96-14-082, § 208-12-080, filed 7/1/96, effective 8/1/96.]

WAC 208-12-090 Copying. The department does not charge a fee for inspecting public records. The department may charge fifteen cents per page for providing copies of public records. If copies are requested, the department will make copies or make the department's copying facilities available.

[Statutory Authority: RCW 43.320.040 and 42.17.250. 96-14-082, § 208-12-090, filed 7/1/96, effective 8/1/96.]

WAC 208-12-100 Exemptions. All public records of the department are available for public inspection and copying pursuant to these rules, unless the department determines that a requested public record is exempt under the provisions of RCW 42.17.310 or other statute.

(1) Various statutes exempt certain records from disclosure, including but not limited to: Securities, RCW 19.100.-242, 19.110.140, 21.30.170, 21.30.370, 21.20.480, 21.20.-510, 21.20.700, 21.20.855; Banks, RCW 30.04.075; Savings and Loan Associations, RCW 33.04.110; Agricultural Lenders, RCW 31.35.070; Savings Banks, RCW 32.04.220; and Credit Unions, RCW 31.12.565.

(2) Other statutory exemptions may cover records received by the department from another regulatory agency or under interagency agreement.

(3) In addition, pursuant to RCW 42.17.260, the department reserves the right to delete identifying details when it makes available or publishes any public record, if there is reason to believe that disclosure of such details would be an invasion of personal privacy. All deletions will be justified in writing.

[Statutory Authority: RCW 43.320.040 and 42.17.250. 96-14-082, § 208-12-100, filed 7/1/96, effective 8/1/96.]

WAC 208-12-110 Denials of public records requests—Review. (1) If a request for a public record is denied, the person denying it will send the requester a written statement giving the reason for the denial. If based on an exemption, the written statement will give the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. A copy of the denial will be immediately forwarded to the director or designee for review.

(2) The director or designee will consider the denial and affirm or reverse it within two business days. The original denial becomes final if the director does not respond within two business days.

(3) Administrative remedies are not exhausted until the close of the second full business day following the original denial of inspection.

[Statutory Authority: RCW 43.320.040 and 42.17.250. 96-14-082, § 208-12-110, filed 7/1/96, effective 8/1/96.]

WAC 208-12-120 Records index. Each division maintains an index of its records available to the public. The index is attached to the department's public records request procedure. Current indices are available upon request.

[Statutory Authority: RCW 43.320.040 and 42.17.250. 96-14-082, § 208-12-120, filed 7/1/96, effective 8/1/96.]

WAC 208-12-130 Information—Address. Requests for specific public records should be addressed to the appropriate division. General communications regarding public records and requests for copies of department's records shall be addressed as follows: Department of Financial Institutions, Records Officer, PO Box 41200, Room 300, General Administration Building, Olympia, Washington 98504-1200.

[Statutory Authority: RCW 43.320.040 and 42.17.250. 96-14-082, § 208-12-130, filed 7/1/96, effective 8/1/96.]