

Chapter 240-06 WAC

INSPECTION AND COPYING OF PUBLIC RECORDS OF THE OFFICE OF THE GOVERNOR

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WAC 240-06-010 Purpose. The purpose of this chapter shall be to ensure compliance by the office of the governor with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25-32 of the act, dealing with public records.

[Order 73-1, § 240-06-010, filed 8/31/73.]

WAC 240-06-020 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 any state or local agency regardless of physical form or characteristics.

(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, discs, drums and other documents.

[Order 73-1, § 240-06-020, filed 8/31/73.]

WAC 240-06-030 Description of organization of the office of the governor. (1) The office of the governor is an administrative and staff support agency consisting of the governor and the governor's personal professional staff, whose mission is to assist the governor in the exercise of his duties, responsibilities, and authority as provided in the constitution and the laws of the state of Washington. The office of the governor shall hereinafter be referred to as the "office." Where appropriate, the term "office" shall also refer to the staff and employees of the office of the governor.

(2) The office is located in the legislative building in Olympia, Washington. It also maintains an office facility in Spokane, Washington, and a part-time facility at 306 North 1st Avenue in Seattle, Washington. For purposes of this

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chapter, the term "administrative office" shall refer to the Olympia location.

(3) The head of the office is the governor of the state of Washington who is elected by the people pursuant to Article III of the constitution of the state of Washington. The governor is charged by constitution and statutes with a broad range of implicit and explicit authority, duties, and responsibilities, among which, but not exclusively, are those related to the execution of laws, management of the executive branch, representation of the state and the state's interests within and beyond its borders, submission of messages and proposals to the legislature, approval of legislation, review and alteration of sentences of convicted persons, and various and sundry appointments to public positions.

(4) The structure of the office under the governor consists of an administrative assistant responsible for overall management of the office, a number of professional staff assistants generally responsible for executive agency affairs, legal affairs, legislative affairs, public information, appointments, correspondence, and business management of the office, and supportive services personnel. In addition, a number of agencies, task forces, commissions, and similar entities may be created from time to time by executive order and are ultimately responsible to the governor and may be designated as part of the office of the governor. While such entities are not specifically included under the provisions of this chapter, general information and assistance regarding such entities may be obtained at the office. For purposes of this chapter, the term "office of the governor" is to be strictly construed in accordance with the intent of this section.

[Order 73-1, § 240-06-030, filed 8/31/73.]

WAC 240-06-040 Operations and procedures. The governor is ultimately responsible for decisions, policies and operations of the office. Procedures of the office are both formal and informal and may or may not directly involve the governor at any one time. Staff personnel operate in generally defined spheres of activity, but lines of responsibility and operational procedures are flexible in order to more effectively respond to situational requirements.

[Order 73-1, § 240-06-040, filed 8/31/73.]

WAC 240-06-050 Public records available. All public records of the office as defined in WAC 240-06-020 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 and WAC 240-06-100.

[Order 73-1, § 240-06-050, filed 8/31/73.]

WAC 240-06-060 Public records officer. The office's public records shall be in charge of the public records officer

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designated by the office. The public records officer shall be responsible for the following: The implementation of the office's rules and regulations regarding release of public records, coordinating the staff of the office in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. In the absence of the public records officer, the responsibilities of such officer may be delegated to or assumed by another member of the staff and such responsibilities shall be deemed to be properly exercised by such officer.

[Order 73-1, § 240-06-060, filed 8/31/73.]

WAC 240-06-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the office. 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.

[Order 73-1, § 240-06-070, filed 8/31/73.]

WAC 240-06-080 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect the 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 office which shall be available at its administrative office. The form shall be presented to the public records officer, or to any member of the office's staff if the public records officer is not available, at the administrative office of the 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; and
- (d) An appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request for a public record of the office, it shall be the obligation of the public records officer or staff member to whom the request was made, to assist the member of the public by making available the public record requested with reasonable promptness.

[Order 73-1, § 240-06-080, filed 8/31/73.]

WAC 240-06-090 Copying. No fee shall be charged for the inspection of public records. The office may charge a fee for providing copies of public records and for use of the office copy equipment. This charge shall be the amount necessary to reimburse the office for its actual equipment and manpower costs incident to such copying.

[Order 73-1, § 240-06-090, filed 8/31/73.]

WAC 240-06-100 Exemptions. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 240-06-050 is

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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 office 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 shall fully justify such deletion in writing.

(3) Each denial of a request for a public record must be accompanied by a written statement specifying the reason for the denial, including if appropriate 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 73-1, § 240-06-100, filed 8/31/73.]

WAC 240-06-110 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 to the public records officer. 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 shall refer it to the administrative assistant to the governor. The administrative assistant, or such member of the staff designated to so act in the absence of the administrative assistant, shall promptly consider the matter and either affirm or reverse such denial or refer the matter to the governor to review the denial. In any case, if possible, 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 office has returned the petition with a decision or until the close of the second business day following the denial of inspection, whichever occurs first.

[Order 73-1, § 240-06-110, filed 8/31/73.]

WAC 240-06-120 Protection of public records. The public records officer shall take all reasonable steps and impose appropriate conditions on the inspection and copying of public records so as to protect such records and to preserve the integrity of other proper activities of the office. Inspection or copying shall be denied and records shall be withdrawn if the person inspecting or copying the records is engaging in conduct likely to damage or substantially disorganize them or so as to interfere excessively with other essential functions of the office or in disregard of conditions imposed by the public records officer.

[Order 73-1, § 240-06-120, filed 8/31/73.]

WAC 240-06-130 Exemption from requirement to maintain a current records index. (1) As authorized by section 26(3) of chapter 1, Laws of 1973 (Initiative 276), the office claims an exemption from the requirement to maintain an index of current records. The scope of constitutional and statutory responsibilities of the governor may embrace the

complete range of public policy, including certain aspects of national, international, interstate, and local policy, and the activities of all agencies and organs of state government. To maintain an index covering the appropriate records as defined in sections 2(24) and 26(2) of chapter 1, Laws of 1973, would impose an undue burden on the office.

(2) All indexes maintained for use of the office shall be made available for public inspection according to the provisions of this chapter.

[Order 73-1, § 240-06-130, filed 8/31/73.]