

Chapter 468-06 WAC

PUBLIC ACCESS TO INFORMATION AND RECORDS

WAC

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468-06-030, filed 5/19/81. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-030, filed 12/20/78. Formerly WAC 252-03-025.]

WAC 468-06-010 What is the purpose of this chapter? The purpose of this chapter is to:

(1) Publish department of transportation organizational information.

(2) Establish the procedures we will follow to provide access to public records prepared, owned, used, or held by the department.

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-010, filed 7/29/08, effective 8/29/08. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-010, filed 12/20/78. Formerly WAC 252-03-010.]

WAC 468-06-020 What definitions apply to public records? Definitions used in the Public Records Act, chapter 42.56 RCW, apply to these rules.

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-020, filed 7/29/08, effective 8/29/08. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-020, filed 12/20/78. Formerly WAC 252-03-020.]

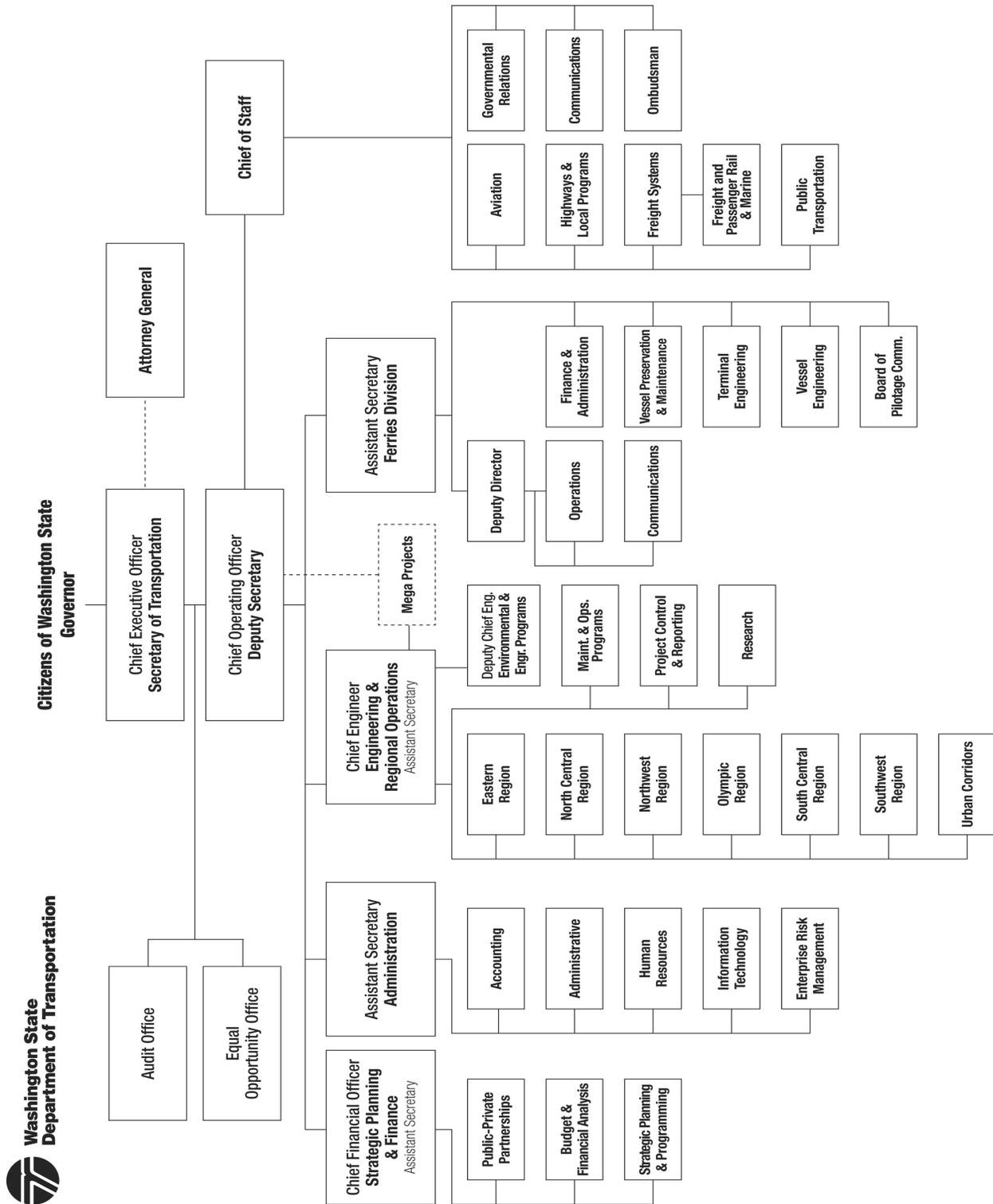
WAC 468-06-030 What public records are exempt from public inspection and copying? (1) The exemptions that will apply are those set out in chapter 42.56 RCW and any other applicable law.

(2) The department does not disclose lists of individuals requested for commercial purposes.

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-030, filed 7/29/08, effective 8/29/08. Statutory Authority: Chapter 42.17 RCW and RCW 47.01.101. 96-16-004 (Order 163), § 468-06-030, filed 7/24/96, effective 8/24/96. Statutory Authority: RCW 42.17.250 through 42.17.340. 89-17-047 (Order 120), § 468-06-030, filed 8/14/89, effective 9/14/89; 85-23-040 (Order 97), § 468-06-030, filed 11/18/85. Statutory Authority: RCW 42.17.250 through 42.17.350. 81-11-035 (Order 62), §

(7/29/08)

WAC 468-06-040 How is the department of transportation organized? The department of transportation is a statutorily created agency of the state of Washington. We have headquarters, division, and regional offices.
 The department of transportation organization chart:



[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-040, filed 7/29/08, effective 8/29/08. Statutory Authority: RCW 47.01.031. 03-09-103, § 468-06-040, filed 4/22/03, effective 5/23/03; 02-10-021, § 468-06-040, filed 4/23/02, effective 5/24/02. Statutory Authority: RCW 47.01.101. 99-07-013, § 468-06-040, filed 3/8/99, effective 4/8/99. Statutory Authority: Chapter 42.17 RCW and RCW 47.01.101. 96-16-004 (Order 163), § 468-06-040, filed 7/24/96, effective 8/24/96. Statutory Authority: RCW 42.17.250 through 42.17.340. 89-17-047 (Order 120), § 468-06-040, filed 8/14/89, effective 9/14/89; 85-23-040 (Order 97), § 468-06-040, filed 11/18/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-040, filed 12/20/78. Formerly WAC 252-03-030.]

WAC 468-06-050 Who is the department's public records officer? (1) The director of administrative services is the department's public records officer. The director is responsible for:

(a) Ensuring employees comply with department processes and procedures and state laws about public disclosure;

(b) Managing headquarters, regional, and division public disclosure coordinators and delegating responsibilities to them;

(c) Approving and signing public record exemption letters; and

(d) Contacting the attorney general's office for legal opinions on public record exemptions, subpoenas, and other legal matters.

(2) You may contact the headquarters public records officer at:

Transportation Building
310 Maple Park Avenue S.E.
P.O. Box 47300
Olympia, WA 98504-7300

Telephone: 360-705-7000
TTY: 1-800-833-6388
www.wsdot.wa.gov

(3) In the absence of the public records officer, the records manager performs the duties of the public records officer.

(4) A public disclosure coordinator is available in each region or division. Region and division contact information is available at www.wsdot.wa.gov.

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-050, filed 7/29/08, effective 8/29/08. Statutory Authority: RCW 42.17.250 through 42.17.340. 89-17-047 (Order 120), § 468-06-050, filed 8/14/89, effective 9/14/89. Statutory Authority: RCW 42.17.250 through 42.17.350. 81-11-035 (Order 62), § 468-06-050, filed 5/19/81. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-050, filed 12/20/78. Formerly WAC 252-03-040.]

WAC 468-06-060 How do I request a copy of a public record? (1) You may obtain a copy of a public record by submitting a written request to the department's public disclosure coordinator. See WAC 468-06-050. Coordinators will accept a letter, e-mail, fax, or department's request for public records form (722-023 EF).

You may obtain a copy of the form by calling or contacting a public disclosure coordinator or at www.wsdot.wa.gov.

(2) If you do not use the department's form, requests should:

(a) Provide the name, address, telephone number, and e-mail address of the person requesting the record.

(b) Provide the date and time of the request.

(c) Provide a clear description of the record. You should be as specific as possible. Public disclosure coordinators may ask you to explain or clarify your request because it is not specific enough.

(d) Indicate in the request that this is a "request for public records."

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-060, filed 7/29/08, effective 8/29/08. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-060, filed 12/20/78. Formerly WAC 252-03-050.]

(7/29/08)

WAC 468-06-070 When are public records available for inspection and copying? (1) Nonexempt public records are generally available for inspection and copying during normal business hours. Normal business hours are Monday through Friday from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., excluding legal holidays.

(2) You must make an appointment with the appropriate office before inspecting the records. Appointments are limited to two hours.

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-070, filed 7/29/08, effective 8/29/08. Statutory Authority: Chapter 42.17 RCW and RCW 47.01.101. 96-16-004 (Order 163), § 468-06-070, filed 7/24/96, effective 8/24/96. Statutory Authority: RCW 42.17.250 through 42.17.340. 85-23-040 (Order 97), § 468-06-070, filed 11/18/85. Statutory Authority: RCW 42.17.250 through 42.17.350. 81-11-035 (Order 62), § 468-06-070, filed 5/19/81. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-070, filed 12/20/78. Formerly WAC 252-03-060 and 252-03-990.]

WAC 468-06-080 How will the department respond to my public records request? (1) A public disclosure coordinator will provide you with a written response within five business days of receiving your request for public records. An initial written response may:

(a) Acknowledge we have received the request and provide a reasonable estimate of the time it will take to respond and briefly explain the time estimate.

(i) Time estimates are based on many issues including the complexity of the request, clarity of the request, number of documents, location of documents, redaction, legal issues, court decision, third-party involvement, or determining if records are exempt. In any case, coordinators will provide you a brief written explanation for the time necessary to respond to your request.

(ii) We may extend reasonable estimates when warranted. A public disclosure coordinator will contact you if this happens.

(b) Provide the requestor the records.

(c) Ask for a better description of an unclear request.

(d) Provide part of the records and deny another part.

(e) Deny the request.

(2) We will take timely action on requests and make the records "promptly available."

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-080, filed 7/29/08, effective 8/29/08. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-080, filed 12/20/78. Formerly WAC 252-03-070.]

WAC 468-06-090 What is the fee for obtaining a copy of a public record? (1) The department will not charge you for any standard request of less than twenty-five copies. A standard request is a black and white copy on 8 1/2" x 11" plain white paper.

(2) You will be charged fifteen cents per page for all standard requests of twenty-five copies or more and the actual cost of all nonstandard requests. You may obtain a list of nonstandard costs from a public disclosure coordinator.

(3) A public disclosure coordinator will notify you by mail if there is a copying charge.

(4) The department will require full payment for all copying requests before providing the records.

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-090, filed 7/29/08, effective 8/29/08. Statutory Authority: Chapter 42.17

RCW and RCW 47.01.101. 96-16-004 (Order 163), § 468-06-090, filed 7/24/96, effective 8/24/96. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-090, filed 12/20/78. Formerly WAC 252-03-080.]

WAC 468-06-100 What are the rules for inspecting nonexempt public records? (1) You should give a reasonable notice of your public records request to the public disclosure coordinator where the records are stored. Coordinators will assist you in the timeliest manner possible but are not required to excessively interfere with other essential functions.

(2) Coordinators will:

(a) Notify you in writing when public records are ready for inspection.

(b) Schedule an appointment for you to inspect the requested public records.

(i) Coordinators may ask you to complete the department's request for public records form before making an appointment.

(ii) A staff person will remain with all public records you are inspecting. Reviewing time is limited to two hours.

(iii) Coordinators will provide a space to inspect public records. You may not remove any public record from the viewing area or disassemble or alter any document.

(iv) If you fail to inspect the public records as scheduled or make a required payment we may close the request.

(c) Notify you in writing when the inspection is complete or your request has been withdrawn or abandoned. Coordinators may provide large volumes of public records in installments.

(3) The headquarters public disclosure coordinator, or delegee, will notify you in writing if the records you requested are exempt from public disclosure.

(4) Coordinators will provide you copies of any public documents after your inspection is complete. The department may charge you for copies but there is no charge for inspection of public records. See WAC 468-06-090.

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-100, filed 7/29/08, effective 8/29/08. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-100, filed 12/20/78. Formerly WAC 252-03-090.]

WAC 468-06-110 What happens if the department decides that all or part of a requested public record is exempt from disclosure? (1) When we determine that an entire record is exempt from disclosure, the headquarters public disclosure coordinator, or delegee, will notify you in writing. The notification will list each exempt record, the law that allows the exemption, and a brief explanation of the exemption.

(2) If your request requires a partial exemption, the headquarters public disclosure coordinator, or delegee, will notify you in writing. The notification will list each exempt record, the law allowing the exemption, and a brief explanation of the exemption. Coordinators will redact or blackout the exempt information and provide you the nonexempt portion of the records.

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-110, filed 7/29/08, effective 8/29/08. Statutory Authority: RCW 42.17.250 through 42.17.340. 85-23-040 (Order 97), § 468-06-110, filed 11/18/85. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and

Comm. Order 1, Resolution No. 13), § 468-06-110, filed 12/20/78. Formerly WAC 252-03-100.]

WAC 468-06-120 How do I request that the department reconsider its decision to deny my request for public records? (1) If you object to the complete or partial denial of a public records request you may make a written petition for review. Your petition should identify the written statement denying your request. Send your written petition to the public disclosure coordinator. Coordinators will promptly forward the petition to the headquarters public disclosure coordinator for review.

(2) The department's headquarters public disclosure coordinator will promptly:

(a) Review the petition.

(b) Consult with the office denying the record.

(c) Contact the attorney general's office for advice as appropriate.

(3) We will provide you a written decision within ten business days following the department's receipt of the petition. If the requestor and department agree, a longer period of review may be allowed.

(4) If you do not agree with the department's review, you may request a review of the department's claim of exemption by the attorney general's office. You can initiate this type of review by sending a written request for review to:

Public Records Review
Office of the Attorney General
P.O. Box 40100
Olympia, WA 98504-0100
publicrecords@atg.wa.gov

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-120, filed 7/29/08, effective 8/29/08. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-120, filed 12/20/78. Formerly WAC 252-03-110.]

WAC 468-06-125 Will the department notify a person or business when a public records request may affect their rights and be potentially exempt? Public disclosure coordinators may provide written notification to a department employee, person or business named in a requested record or to whom a record specifically pertains and whose rights may be affected by the release of the record. The coordinator's written notification will:

(1) Include the name and location of the requestor and the record(s) requested.

(2) Advise the employee, person or business that they may seek a court injunction in superior court within ten days to prevent release of the record in accordance with RCW 42.56.540.

(3) Inform the employee, person or business that the department will disclose the record to the requestor unless the employee, person or business provides the coordinator with a court order enjoining such disclosure.

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-125, filed 7/29/08, effective 8/29/08.]

WAC 468-06-130 How do I request an electronic public record? (1) You request an electronic record the same way as a paper record. You should advise the coordinator in writing that you are seeking the record in an electronic form.

An electronic record is any record generated, communicated, received, or stored by electronic means for use in an informational system or for transmission from one information system to another.

(2) Your request for an electronic record must include an identifiable record. An identifiable record is one that a coordinator or another staff person can reasonably locate.

A reasonably locatable electronic record is a record that can be located with typical search features and organizing methods contained in the department's current software.

(3) The department may charge actual costs of providing electronic records in advance.

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-130, filed 7/29/08, effective 8/29/08. Statutory Authority: RCW 42.17.250 through 42.17.350. 81-11-035 (Order 62), § 468-06-130, filed 5/19/81. Statutory Authority: 1977 ex.s. c 151. 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-130, filed 12/20/78. Formerly WAC 252-03-120.]

WAC 468-06-135 Will the department provide an electronic copy of a printed public record? (1) You request an electronic copy of a public record the same way as a paper copy. You should advise the coordinator in writing of this specific request.

(2) If a public record (kept on paper) is reasonably translatable into an agency used electronic format, coordinators will provide you an electronic copy of that record.

A reasonably translatable record is one we can easily copy from paper to an electronic format.

(3) The department may charge actual costs of providing electronic records in advance.

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-135, filed 7/29/08, effective 8/29/08.]

WAC 468-06-140 Does the department maintain a public records index? (1) The department's records indexes are located in the records and information services office, transportation building, Olympia, Washington.

(2) The records officer is responsible for:

- (a) Managing the index system.
- (b) Coordinating all aspects of the index.
- (c) Revising indexes when necessary.

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-140, filed 7/29/08, effective 8/29/08. Statutory Authority: Chapter 34.05 RCW. 90-23-007, § 468-06-140, filed 11/9/90, effective 12/10/90.]

WAC 468-06-150 How long does the department keep requests for public records? The department keeps all documents according to the state general retention schedule. We keep a request for public records for six years from the date of disclosure, final response, or denied appeal (whichever is later).

[Statutory Authority: Chapters 42.17, 42.56 RCW. 08-16-030, § 468-06-150, filed 7/29/08, effective 8/29/08.]