

Chapter 108-50 WAC

PUBLIC RECORDS

WAC

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WAC 108-50-010 Authority and purpose. These rules are established pursuant to chapter 42.56 RCW for the purposes of protecting public records and making them readily accessible to the public. In carrying out its responsibilities under the Public Records Act (act), the charter school commission (commission) will be guided by the provisions of the act describing its purposes and interpretation.

[Statutory Authority: Chapter 42.56 RCW. WSR 14-12-065, § 108-50-010, filed 6/2/14, effective 7/3/14.]

WAC 108-50-020 Agency description—Contact information—Public records officer. (1) The commission authorizes high-quality charter public schools throughout the state and ensures the highest standards of accountability and oversight for those schools. The commission's central office is located at:

Washington State Charter School Commission
1068 Washington St. S.E.
Olympia, WA 98501

(2) Any person wishing to request access to public records of the commission, or seeking assistance in making such a request should contact the public disclosure officer of the office of superintendent of public instruction:

Office of Superintendent of Public Instruction
Attn: Public Disclosure Officer
Old Capital [Capitol] Building, 600 S. Washington
P.O. Box 47200
Olympia, WA 98504-7200
Phone: 360-725-6372
Fax: 360-753-4201
publicrecordsrequest@k12.wa.us.

Information is also available at the commission's web site.

(3) The public disclosure officer will oversee compliance with the act but a commission staff member may process the request. Therefore, these rules will refer to the public records officer or "designee." The public records officer or designee and the commission will provide the "fullest assistance" to requestors; create and maintain for use by the public and officials an index to public records of the commission; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests

from causing excessive interference with essential functions of the commission.

[Statutory Authority: Chapter 42.56 RCW. WSR 17-08-011, § 108-50-020, filed 3/24/17, effective 4/24/17; WSR 14-12-065, § 108-50-020, filed 6/2/14, effective 7/3/14.]

WAC 108-50-030 Availability of public records. (1) Hours for inspection of records. Public records are available for inspection and copying during customary business hours of the commission, customary office hours are from 8:00 a.m. to noon and from 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The commission is a small state agency with limited staffing. Consistent with other demands, the commission will provide fullest assistance when a request for inspection is made; to avoid inconvenience, a time to inspect the records should be scheduled with the public records officer. Records must be inspected at the commission's office.

(2) **Records index.** An index of public records is available for use by members of the public, including:

- Commission monthly meetings;
- Annual solicitation documents;
- Charter school application documents;
- Evaluation team recommendation reports;
- Resolutions by the commission which are filed by resolution number, by year.

The index may be accessed online at the commission's web site.

(3) **Organization of records.** The commission will maintain its records in a reasonably organized manner. The commission will take reasonable actions to protect records from damage and disorganization. A requestor shall not take the commission records from the commission offices. A variety of records is available on the commission web site.

Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or copy public records of the commission shall make the request by contacting the public disclosure officer at the office of superintendent of public instruction:

Office of Superintendent of Public Instruction
Attn: Public Disclosure Officer
Old Capital [Capitol] Building, 600 S. Washington
P.O. Box 47200
Olympia, WA 98504-7200
Phone: 360-725-6372
Fax: 360-753-4201
publicrecordsrequest@k12.wa.us.

and include the following information:

- Name of requestor;
- Address of requestor;

- Other contact information, including telephone number and any email address;
- Adequate identification of the public records for the public records officer or designee to locate the records; and
- The date and time of day of the request.

(b) No fee shall be charged for the inspection of public records. The commission may impose a reasonable charge for providing copies of public records; those charges shall not exceed the amount necessary to reimburse the commission for actual costs incident to such copying. When subject to reasonable charge, no public records will be released until and unless the requestor has tendered payment for such copying to the appropriate official. All charges must be paid by money order, check, or cash in advance.

[Statutory Authority: Chapter 42.56 RCW. WSR 17-08-011, § 108-50-030, filed 3/24/17, effective 4/24/17; WSR 14-12-065, § 108-50-030, filed 6/2/14, effective 7/3/14.]

WAC 108-50-040 Processing of public records requests—General. (1) Providing "fullest assistance."

The commission is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- (c) Provide a reasonable estimate of when records will be available; or
- (d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or
- (e) Deny the request.

(3) **Consequences of failure to respond.** If the commission does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(4) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the commis-

sion believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) Inspection of records.

(a) Consistent with other demands, the commission shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the commission's notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the commission may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(7) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(8) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(9) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the commission has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(10) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records, or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the commission has closed the request.

(11) **Later discovered documents.** If, after the commission has informed the requestor that it has provided all available records, the commission becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

[Statutory Authority: Chapter 42.56 RCW. WSR 14-12-065, § 108-50-040, filed 6/2/14, effective 7/3/14.]

WAC 108-50-060 Exemptions. (1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by the commission for inspection and copying:

(a) Examination test scores;

(b) Teacher, student, or public employee information that would constitute an invasion of privacy as defined in RCW 42.56.210;

(c) Preliminary drafts, notes, recommendations and intra-agency memorandums not publicly cited by the commission in connection with any commission action.

Pursuant to RCW 42.56.070, the commission reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy: Provided, however, in each case, the justification for the deletion shall be explained fully in writing.

(2) The commission is prohibited by statute from disclosing lists of individuals for commercial purposes.

[Statutory Authority: Chapter 42.56 RCW. WSR 14-12-065, § 108-50-060, filed 6/2/14, effective 7/3/14.]

WAC 108-50-070 Costs of providing copies of public records. (1) **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for five cents per page and color copies for ten cents per page.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment, before providing that installment. The commission will not charge sales tax when it makes copies of public records.

(2) **Costs for electronic records.** The cost of electronic copies of records shall be two dollars for information on a CD-ROM. The cost of scanning existing commission paper or other nonelectronic records is five cents per page. There will be no charge for emailing electronic records to a requestor, unless another cost applies such as a scanning fee.

(3) **Costs of mailing.** The commission may also charge actual costs of mailing, including the cost of the shipping container.

(4) **Payment.** Payment may be made by cash, check, or money order to the commission.

[Statutory Authority: Chapter 42.56 RCW. WSR 14-12-065, § 108-50-070, filed 6/2/14, effective 7/3/14.]

WAC 108-50-080 Review of denials of public records. (1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer for a review of that decision. The petition shall include a copy of or reason-

ably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the public records officer's supervisor or other agency official designated by the agency to conduct the review. That person will immediately consider the petition and either affirm or reverse the denial within two business days following the agency's receipt of the petition, or within such other time as the commission and the requestor mutually agree to.

(3) **Applicable to state agencies only - Review by the attorney general's office.** Pursuant to RCW 42.56.530, if the commission denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

[Statutory Authority: Chapter 42.56 RCW. WSR 14-12-065, § 108-50-080, filed 6/2/14, effective 7/3/14.]