

Chapter 315-12 WAC

PUBLIC RECORDS DISCLOSURE

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 315-12-040 | Operations and procedures. [Statutory Authority: RCW 42.17.250. WSR 83-13-080 (Order 23), § 315-12-040, filed 6/17/83.] Repealed by WSR 08-11-043, filed 5/14/08, effective 6/14/08. Statutory Authority: RCW 67.70.040. |
| 315-12-100 | Exemptions. [Statutory Authority: RCW 42.17.250. WSR 83-13-080 (Order 23), § 315-12-100, filed 6/17/83.] Repealed by WSR 08-11-043, filed 5/14/08, effective 6/14/08. Statutory Authority: RCW 67.70.040. |
| 315-12-140 | Records index. [Statutory Authority: RCW 42.17.250. WSR 83-13-080 (Order 23), § 315-12-140, filed 6/17/83.] Repealed by WSR 91-03-035, filed 1/9/91, effective 2/9/91. Statutory Authority: RCW 67.70.040. |

WAC 315-12-010 Purpose. The purpose of this chapter shall be to ensure compliance by the Washington state lottery commission and the office of the director, Washington state lottery, with the provisions of RCW 42.56.040 - 42.56.550, dealing with public records.

[Statutory Authority: RCW 67.70.040. WSR 08-11-043, § 315-12-010, filed 5/14/08, effective 6/14/08. Statutory Authority: RCW 42.17.250. WSR 83-13-080 (Order 23), § 315-12-010, filed 6/17/83.]

WAC 315-12-020 Definitions. (1) Definitions set forth in chapter 315-02 WAC shall apply to this chapter.

(2) "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 characteristic.

(3) "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, data processing products, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

(4) "Raw data" means facts, symbols, or observations which have not been processed, edited or interpreted, and are unorganized or unevaluated.

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(5) "Information" means raw data that are organized, evaluated or interpreted to impart meaning to potential users and fulfill a recognized need.

(6) "Listing" or "list" means items of any kind including names, words or numbers no matter what the arrangement or purpose. When applied to the release of records, "listing" or "list" means items obtained from one or more source documents and contained in any form of writing or other media.

(7) "Tabulation" means the systematic arrangement of facts, statistics, and similar information, except the names of individuals, in column or table format.

(8) "Individual" means a natural person.

(9) "Commercial purpose" means the use of or the intent to use information contained in a listing to contact or in some way personally affect an individual identified on the list or for the purpose of facilitating the profit expectations of the person(s) who requested or obtained the list.

[Statutory Authority: RCW 67.70.040. WSR 97-07-063, § 315-12-020, filed 3/19/97, effective 4/19/97. Statutory Authority: RCW 42.17.250. WSR 83-13-080 (Order 23), § 315-12-020, filed 6/17/83.]

WAC 315-12-030 Description of central and field organization of the commission and the director. The administrative office of the commission and director is located at 814 - 4th Avenue, Olympia, WA 98506. Regional offices of the director located in other cities are as follows:

| <u>CITY</u> | <u>SERVICES</u> |
|---|---|
| EVERETT REGION 11419 19th Avenue S.E. Suite A106 Everett, WA 98208 | (a) Sales Representative (b) Payout Center |
| OLYMPIA REGION 814 - 4th Avenue Olympia, WA 98506 | (a) Sales Representative (b) Payout Center (c) Ticket Warehousing |
| FEDERAL WAY REGION 33701 9th Avenue S Federal Way, WA 98003-6762 | (a) Sales Representative (b) Payout Center |
| SPOKANE REGION East 10517 Sprague Avenue Spokane, WA 99206-3631 | (a) Sales Representative (b) Payout Center |
| VANCOUVER REGION El Camino Fountain Shopping Mall Suite 4 1503 N.E. 78th Street Vancouver, WA 98665 | (a) Sales Representative (b) Payout Center |
| YAKIMA REGION 9 South 5th Yakima, WA 98901 | (a) Sales Representative (b) Payout Center |

All records of the commission and director are maintained in the administrative office in Olympia.

[Statutory Authority: RCW 67.70-040 [67.70.040] (1)(3). WSR 10-16-025, § 315-12-030, filed 7/23/10, effective 8/23/10. Statutory Authority: RCW 67.70.040. WSR 08-11-043, § 315-12-030, filed 5/14/08, effective 6/14/08; WSR 97-15-122, § 315-12-030, filed 7/23/97, effective 8/23/97; WSR 89-12-042 (Order 116), § 315-12-030, filed 6/1/89; WSR 87-01-057 (Order 96),

§ 315-12-030, filed 12/16/86; WSR 84-05-008 (Order 51), § 315-12-030, filed 2/7/84. Statutory Authority: RCW 42.17.250. WSR 83-13-080 (Order 23), § 315-12-030, filed 6/17/83.]

WAC 315-12-050 Public records available. All public records of the lottery, its commission and director are available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.56.070, 42.56.210, 42.56.540, WAC 315-12-100, and other applicable laws.

[Statutory Authority: RCW 67.70.040. WSR 08-11-043, § 315-12-050, filed 5/14/08, effective 6/14/08. Statutory Authority: RCW 42.17.250. WSR 83-13-080 (Order 23), § 315-12-050, filed 6/17/83.]

WAC 315-12-060 Public records officers. The lottery, its commission and director public records shall be in the charge of the public records officer(s) as designated by the director. The person(s) so designated shall be located in the administrative office of the director. The public records officer(s) shall be responsible for the following: The implementation of the commission's rules regarding release of public records, coordinating the staff of the director in this regard, maintaining, keeping current, and publishing an index of all agency records as required by RCW 42.56.070 and WAC 315-12-140, and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 42.56 RCW.

[Statutory Authority: RCW 67.70.040. WSR 08-11-043, § 315-12-060, filed 5/14/08, effective 6/14/08. Statutory Authority: RCW 42.17.250. WSR 83-13-080 (Order 23), § 315-12-060, filed 6/17/83.]

WAC 315-12-070 Hours for record inspection and copying. Public records shall be available for inspection and copying during the customary office hours of the director. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.17.250. WSR 83-13-080 (Order 23), § 315-12-070, filed 6/17/83.]

WAC 315-12-080 Requests for public records. In accordance with requirements of chapter 42.56 RCW that agencies prevent unreasonable invasions of 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 may be made in writing upon a form prescribed by the director which shall be available at its administrative office. The form may be presented to any member of the director's staff at the administrative office of the director during customary office hours. The request shall include the following information:

(a) The name and address of the person requesting the record.

(b) The time of day and calendar date on which the request was made.

(c) A reference to the requested record as a specific existing identifiable public record.

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(d) The purpose for which a list of individuals, if so requested, will be used.

(e) The signature of the requestor.

(2) In all cases in which a member of the public makes a request, it shall be the obligation of the staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

(3) Any persons authorized by law to obtain a list of individuals from public records will be required to complete a statement agreeing not to release or use the information for commercial purposes. One or more requests from the same or associated persons for information regarding individuals shall be treated as a request for a list of individuals.

[Statutory Authority: RCW 67.70.040. WSR 08-11-043, § 315-12-080, filed 5/14/08, effective 6/14/08; WSR 97-07-063, § 315-12-080, filed 3/19/97, effective 4/19/97. Statutory Authority: RCW 42.17.250. WSR 83-13-080 (Order 23), § 315-12-080, filed 6/17/83.]

WAC 315-12-090 Copying. (1) There is no fee for the inspection of public records.

(2) The director will charge a fee of fifteen cents per page for providing copies of public records and for use of the director's copy equipment. This charge is to reimburse the director for costs incident to such copying. The charge for providing other public records will be at actual cost as determined by the public records officer. Postal charges will be added when applicable. No copies of records will be provided to the requestor until all such charges have been paid.

(3) Nothing contained in this section shall preclude the director from agreeing to exchange or provide copies of manuals or other public records with other state or federal agencies, whenever doing so is in the best interest of the agency.

(4) The director or his or her designee is authorized to waive any of the foregoing copying costs.

[Statutory Authority: RCW 67.70.040. WSR 97-07-063, § 315-12-090, filed 3/19/97, effective 4/19/97. Statutory Authority: RCW 42.17.250. WSR 83-13-080 (Order 23), § 315-12-090, filed 6/17/83.]

WAC 315-12-110 Denial of request. Each denial of a request for a public record shall be accompanied by a written statement to the requestor clearly specifying the reasons 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. Such statement shall be sufficiently clear and complete to permit the director or his or her designee to review the denial in accordance with WAC 315-12-120.

[Statutory Authority: RCW 42.17.250. WSR 83-13-080 (Order 23), § 315-12-110, filed 6/17/83.]

WAC 315-12-120 Request for review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may request the public records officer 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 or other staff member which constituted or accompanied the denial.

(2) After receiving a written request for review of a decision denying a public record, if the public records officer determines to affirm the denial, the public records officer

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shall immediately refer the written request and the pertinent documents to the director. The director or the director's designee shall promptly consider the matter and either affirm or reverse such denial. The decision of the director or the director's designee shall constitute final agency action for purposes of judicial review.

[Statutory Authority: RCW 42.17.250. WSR 83-13-080 (Order 23), § 315-12-120, filed 6/17/83.]

WAC 315-12-130 Protection of public records. Public records shall be disclosed only in the presence of a public records officer or his/her designee, who shall withdraw the record(s) if the person requesting disclosure acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the agency. This section shall not be construed to prevent the director from accommodating a requestor by use of the mails in the disclosure process or by providing disclosure at a time which will not interfere with the agency's essential functions.

[Statutory Authority: RCW 42.17.250. WSR 83-13-080 (Order 23), § 315-12-130, filed 6/17/83.]

WAC 315-12-145 Records index. (1) The agency has established and implemented a system of indexing for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the agency has maintained an index;

(b) Final adjudicative orders and declaratory orders issued after June 30, 1990, that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(c) Interpretive and policy statements that were entered after June 30, 1990.

(2) Final and declaratory orders shall be evaluated by the director or director's designee and those orders which have substantial importance shall be selected for inclusion in the index.

(3) Selected orders shall be indexed by a phrase describing the issue or holding and by a citation to the law involved. Interpretive and policy statements shall be indexed by subject matter, topic, calendar year or a combination of these, as appropriate.

(4) The index is available for public access during business hours at the agency's management services division, 814 - 4th Avenue, Olympia, Washington 98504.

(5) The indexes shall be kept current and updated annually.

[Statutory Authority: RCW 67.70.040. WSR 91-03-036, § 315-12-145, filed 1/9/91, effective 2/9/91.]

WAC 315-12-150 Communications. All written communications with the commission or director pertaining to the administration or enforcement of chapter 42.56 RCW and these rules shall be addressed as follows: Washington State Lottery, P.O. Box 43026, Olympia, WA 98504-3026, Attn: Public Records Officer. You may contact us through our web site at www.walottery.com.

[Statutory Authority: RCW 67.70-040 [67.70.040] (1)(3). WSR 10-16-025, § 315-12-150, filed 7/23/10, effective 8/23/10. Statutory Authority: RCW 67.70.040. WSR 08-11-043, § 315-12-150, filed 5/14/08, effective 6/14/08.

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Statutory Authority: RCW 42.17.250. WSR 83-13-080 (Order 23), § 315-12-150, filed 6/17/83.]