

Chapter 322-12 WAC

PRACTICE AND PROCEDURE

WAC

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WAC 322-12-010 Establishing regular meetings. Pursuant to section 7, chapter 250, Laws of 1971 ex. sess., and RCW 42.30.070, regular meetings of the commission on Hispanic affairs shall be six public meetings, provided there are sufficient funds in the commission's budget. Such meetings shall be held at a place designated by the chairman of the commission.

[Statutory Authority: RCW 43.115.040. WSR 08-07-001, § 322-12-010, filed 3/5/08, effective 4/5/08; WSR 87-04-035 (Order 4), § 322-12-010, filed 2/2/87; Order 1, § 322-12-010, filed 12/9/74.]

WAC 322-12-020 Purpose. The purpose of this chapter shall be to ensure compliance by the commission on Hispanic affairs with the provisions of chapter 42.56 RCW.

[Statutory Authority: RCW 43.115.040. WSR 08-07-001, § 322-12-020, filed 3/5/08, effective 4/5/08; Order 1, § 322-12-020, filed 12/9/74.]

WAC 322-12-030 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.

(3) The commission on Hispanic affairs is an eleven member commission appointed by the governor with the consent of the senate. The commission on Hispanic affairs shall hereinafter be referred to as the commission. When appropriate, the term commission also refers to the staff and employees of the commission.

[Statutory Authority: RCW 43.115.040. WSR 08-07-001, § 322-12-030, filed 3/5/08, effective 4/5/08; Order 1, § 322-12-030, filed 12/9/74.]

(3/5/08)

WAC 322-12-040 Description of central and field organization of the commission. The administrative office of the commission and its staff is located at: Commission on Hispanic Affairs, 210 11th Avenue S.W., Suite 301A, Olympia, Washington 98504-0924.

[Statutory Authority: RCW 43.115.040. WSR 08-07-001, § 322-12-040, filed 3/5/08, effective 4/5/08; Order 1, § 322-12-040, filed 12/9/74.]

WAC 322-12-060 Public records available. All public records of the commission, as defined in WAC 322-12-030 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by chapter 42.56 RCW and WAC 322-12-110.

[Statutory Authority: RCW 43.115.040. WSR 08-07-001, § 322-12-060, filed 3/5/08, effective 4/5/08; Order 1, § 322-12-060, filed 12/9/74.]

WAC 322-12-070 Public records officer. The commission's public records shall be in the charge of the public records officer designated by the commission. The person so designated shall be located in the administrative office of the commission. The public records officer shall be responsible for the following: The implementation of the commission's rules and regulations regarding release of public records, coordinating the staff of the commission in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.56 RCW.

[Statutory Authority: RCW 43.115.040. WSR 08-07-001, § 322-12-070, filed 3/5/08, effective 4/5/08; Order 1, § 322-12-070, filed 12/9/74.]

WAC 322-12-080 Office hours. Public records shall be available for inspection and copying during the customary office hours of the commission. For the purposes of this chapter, the customary hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 5:00, Monday through Friday, excluding legal holidays.

[Order 1, § 322-12-080, filed 12/9/74.]

WAC 322-12-090 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 shall be made in writing upon a form prescribed by the commission which shall be available at its administrative office. The form shall be presented to the public records officer or to any member of the commission's staff, if the public records officer is not available, at the administrative office of the commission 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;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested records as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the commission's current index, an appropriate description of the record requested.

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

[Statutory Authority: RCW 43.115.040, WSR 08-07-001, § 322-12-090, filed 3/5/08, effective 4/5/08; Order 1, § 322-12-090, filed 12/9/74.]

WAC 322-12-100 Copying. No fee shall be charged for the inspection of public records. The commission shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the commission's copy equipment. This charge is the amount necessary to reimburse the commission for its actual costs incident to such copying.

[Order 1, § 322-12-100, filed 12/9/74.]

WAC 322-12-110 Exemptions. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 322-12-090 is exempt under the provisions of chapter 42.56 RCW.

(2) In addition, pursuant to chapter 42.56 RCW, the commission 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 42.56 RCW. The public records office will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement 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.

[Statutory Authority: RCW 43.115.040, WSR 08-07-001, § 322-12-110, filed 3/5/08, effective 4/5/08; Order 1, § 322-12-110, filed 12/9/74.]

WAC 322-12-120 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. 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 or other staff member denying the request shall refer it to the chairman of the commission. The chairman shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the commission as soon as legally possible to review the denial. In

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any case, 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 commission has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 1, § 322-12-120, filed 12/9/74.]

WAC 322-12-140 Records index. (1) The commission will make available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instruction to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The index promulgated by the commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order 1, § 322-12-140, filed 12/9/74.]

WAC 322-12-150 Communications. All communications with the commission including but not limited to the submission of materials pertaining to its operations and/or the administration enforcement of chapter 42.56 RCW; requests for copies of the commission's decisions and other matters, shall be addressed as follows: c/o Public Records Officer, Commission on Hispanic Affairs, 210 11th Avenue S.W., Suite 301A, Olympia, WA 98504-0924.

[Statutory Authority: RCW 43.115.040, WSR 08-07-001, § 322-12-150, filed 3/5/08, effective 4/5/08; Order 1, § 322-12-150, filed 12/9/74.]

WAC 322-12-160 Adoption of form. The commission on Hispanic affairs hereby adopts for use by all persons requesting inspection and/or copies of records the form set out below, entitled "Request for public records."

We have received your request for copies of our public records. Please complete the form on the right and return it with the amount required. We will forward the requested copies to you as soon as we receive this form.

(3/5/08)

Thank you.

Return to:
Commission on Hispanic Affairs
210 11th Avenue S.W., Suite 301A
Olympia, WA 98504-0924

Commission on
Hispanic Affairs

REQUEST FOR PUBLIC RECORDS

Date Time

Name

Address

.....

Description of Records (see index):

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I certify that the information obtained through this request for public records will not be used for commercial purposes.

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Signature

Number of copies

Number of pages

Per page charge

Total charge \$

[Statutory Authority: RCW 43.115.040. WSR 08-07-001, § 322-12-160, filed 3/5/08, effective 4/5/08; Order 1, § 322-12-160 and form, filed 12/9/74.]