

Chapter 143-06 WAC
PRACTICE AND PROCEDURE OF AGENCY—PUBLIC RECORDS

Last Update: 2/27/19

WAC

143-06-010	Purpose.
143-06-020	Definitions.
143-06-030	Description of organization.
143-06-050	Public records available.
143-06-060	Public records officer.
143-06-070	Office hours.
143-06-080	Requests for public records.
143-06-100	Exemptions.
143-06-110	Review of denials of public records request.
143-06-120	Protection of public records.
143-06-130	Records index.
143-06-140	Communications with the board and department.
143-06-160	Records in possession of data processing service centers.
143-06-170	Calculations of action costs of producing copies of public records declared to be unduly burdensome—Adoption of statutory fee schedule.
143-06-180	Fee waivers.
143-06-190	Requestor fees and deposits.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

143-06-040	Operations and procedures. [Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-040, filed 3/6/81; Order 0002, § 143-06-040, filed 9/12/73.] Repealed by WSR 00-01-028, filed 12/7/99, effective 1/7/00. Statutory Authority: Chapter 42.17 RCW.
143-06-090	Copying. [Statutory Authority: Chapter 42.17 RCW. WSR 00-01-028, § 143-06-090, filed 12/7/99, effective 1/7/00; WSR 88-21-029 (Order 88-1), § 143-06-090, filed 10/11/88. Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-090, filed 3/6/81; Order 0002, § 143-06-090, filed 9/12/73.] Repealed by WSR 19-06-020, filed 2/27/19, effective 3/30/19. Statutory Authority: RCW 42.56.100, 42.56.040 (1)(d), 42.56.120, and 43.10.110.
143-06-150	Adoption of form. [Statutory Authority: Chapter 42.17 RCW. WSR 88-21-029 (Order 88-1), § 143-06-150, filed 10/11/88. Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-150, filed 3/6/81; Order 0002, § 143-06-150, filed 9/12/73.] Repealed by WSR 00-01-028, filed 12/7/99, effective 1/7/00. Statutory Authority: Chapter 42.17 RCW.
143-06-990	Appendix A—Form—Request for public records. [Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-990, filed 3/6/81; Order 0002, Appendix A (codified as WAC 143-06-990), filed 9/12/73.] Repealed by WSR 89-05-007 (Order 89-1), filed 2/8/89. Statutory Authority: Chapter 42.17 RCW.

WAC 143-06-010 Purpose. The purpose of this chapter shall be to adopt rules descriptive of the Washington state department of information services and the information services board and to ensure compliance with the provisions of chapter 42.17 RCW (Initiative 276), and in particular with RCW 42.17.250 through 42.17.320, dealing with public records.

[Statutory Authority: Chapter 42.17 RCW. WSR 88-21-029 (Order 88-1), § 143-06-010, filed 10/11/88. Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-010, filed 3/6/81; Order 0002, § 143-06-010, filed 9/12/73.]

WAC 143-06-020 Definitions. (1) Public record shall have the meaning described in RCW 42.17.020(36).

(2) Writing shall have the meaning described in RCW 42.17.020(42).

(3) The Washington state department of information services is the agency created by chapter 504, Laws of 1987, hereinafter referred to as the department.

(4) The Washington state information services board is appointed in the manner described in RCW 43.105.032. The Washington state information services board shall hereinafter be referred to as the board.

[Statutory Authority: Chapter 42.17 RCW. WSR 00-01-028, § 143-06-020, filed 12/7/99, effective 1/7/00; WSR 88-21-029 (Order 88-1), § 143-06-020, filed 10/11/88. Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-020, filed 3/6/81; Order 0002, § 143-06-020, filed 9/12/73.]

WAC 143-06-030 Description of organization. (1) The board shall conduct its business through the administrative office of the department. The administrative office is located in the Jefferson Building, 1110 Jefferson Street S.E., Olympia, Wash., 98504.

(2) The board is composed of those members described in RCW 43.105.032 to carry out the duties contained in chapter 43.105 RCW as amended. The administrative head of the board is the director of the department of information services, hereinafter referred to as the director. All communications, requests and business shall be forwarded to the director at the aforespecified administrative office of the board.

(3) The board and department are chartered by the legislature to provide for coordinated planning and management of state information services.

[Statutory Authority: Chapter 42.17 RCW. WSR 00-01-028, § 143-06-030, filed 12/7/99, effective 1/7/00; WSR 88-21-029 (Order 88-1), § 143-06-030, filed 10/11/88. Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-030, filed 3/6/81; Order 0002, § 143-06-030, filed 9/12/73.]

WAC 143-06-050 Public records available. All public records of the board and of the department, as defined in WAC 143-06-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 143-06-100.

[Statutory Authority: Chapter 42.17 RCW. WSR 88-21-029 (Order 88-1), § 143-06-050, filed 10/11/88. Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-050, filed 3/6/81; Order 0002, § 143-06-050, filed 9/12/73.]

WAC 143-06-060 Public records officer. The board and the department's public records shall be in the charge of the public records officer designated by the director. The person so designated shall be located in the administrative office of the board and the department. The public records officer shall be responsible for the following: The implementation of the board and the department's rules and regulations regarding release of public records, and generally ensuring compliance with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: Chapter 42.17 RCW. WSR 00-01-028, § 143-06-060, filed 12/7/99, effective 1/7/00; WSR 88-21-029 (Order 88-1), § 143-06-060, filed 10/11/88. Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-060, filed 3/6/81; Order 0002, § 143-06-060, filed 9/12/73.]

WAC 143-06-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the administrative office.

[Statutory Authority: Chapter 42.17 RCW. WSR 00-01-028, § 143-06-070, filed 12/7/99, effective 1/7/00; WSR 88-21-029 (Order 88-1), § 143-06-070, filed 10/11/88. Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-070, filed 3/6/81; Order 0002, § 143-06-070, filed 9/12/73.]

WAC 143-06-080 Requests for public records. 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 department which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the department's administrative office, if the public records officer is not available, at the administrative office of the department 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 record as it is described in such current index

(e) An appropriate description of the record is 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 record requested.

[Statutory Authority: Chapter 42.17 RCW. WSR 88-21-029 (Order 88-1), § 143-06-080, filed 10/11/88. Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-080, filed 3/6/81; Order 0002, § 143-06-080, filed 9/12/73.]

WAC 143-06-100 Exemptions. (1) The department may determine that a public record requested in accordance with the procedures outlined in WAC 143-06-080 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the department may delete identifying details when it makes available or publishes any public record, in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

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

[Statutory Authority: Chapter 42.17 RCW. WSR 00-01-028, § 143-06-100, filed 12/7/99, effective 1/7/00; WSR 88-21-029 (Order 88-1), § 143-06-100, filed 10/11/88. Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-100, filed 3/6/81; Order 0002, § 143-06-100, filed 9/12/73.]

WAC 143-06-110 Review of denials of public records request. (1)

Any person who objects to the denial of a request for a public record may petition for review of such decision by tendering a written request to the director 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) The director shall consider the matter and either affirm or reverse such denial. In 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 director has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Statutory Authority: Chapter 42.17 RCW. WSR 88-21-029 (Order 88-1), § 143-06-110, filed 10/11/88. Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-110, filed 3/6/81; Order 0002, § 143-06-110, filed 9/12/73.]

WAC 143-06-120 Protection of public records. (1) No person

shall knowingly alter, deface or destroy public records of the board and department.

(2) Original copies of public records of the board and department shall not be removed from the administrative offices of the board and department.

(3) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(4) Disruptive conduct by those requesting public records of the board and department shall not be permitted.

[Statutory Authority: Chapter 42.17 RCW. WSR 00-01-028, § 143-06-120, filed 12/7/99, effective 1/7/00; WSR 88-21-029 (Order 88-1), § 143-06-120, filed 10/11/88. Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-120, filed 3/6/81; Order 0002, § 143-06-120, filed 9/12/73.]

WAC 143-06-130 Records index. The department has available to

all persons a current index which provides identifying information as to the records of the board and department. Agency records are indexed and retained as follows:

The generic index for department records is located in the office of the DIS Public Records Officer, at 1110 Jefferson Street S.E., Olympia, Washington 98504. This index lists public records as required by RCW 42.17.260, and indicates the division of the department in which they are located. Specific forms and documents are retained in

the divisions as identified on the records retention schedules established by the division of state archives of the office of the secretary of state. These schedules are available to the public through the public records officer.

[Statutory Authority: Chapter 42.17 RCW. WSR 00-01-028, § 143-06-130, filed 12/7/99, effective 1/7/00. Statutory Authority: RCW 43.17.060. WSR 91-07-033, § 143-06-130, filed 3/15/91, effective 4/15/91. Statutory Authority: Chapter 42.17 RCW. WSR 88-21-029 (Order 88-1), § 143-06-130, filed 10/11/88. Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-130, filed 3/6/81; Order 0002, § 143-06-130, filed 9/12/73.]

WAC 143-06-140 Communications with the board and department.

All communications with the board and department including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules; requests for copies of the board and department's decisions and other matters, shall be addressed as follows: Washington State Department of Information Services, c/o Public Records Officer, Jefferson Building, 1110 Jefferson Street S.E., Olympia, Wash. 98504.

[Statutory Authority: Chapter 42.17 RCW. WSR 00-01-028, § 143-06-140, filed 12/7/99, effective 1/7/00; WSR 88-21-029 (Order 88-1), § 143-06-140, filed 10/11/88. Statutory Authority: Chapter 43.105 RCW. WSR 81-07-004 (Order 004), § 143-06-140, filed 3/6/81; Order 0002, § 143-06-140, filed 9/12/73.]

WAC 143-06-160 Records in possession of data processing service centers. No public records of users of department services shall be made available for public inspection or copying by the department without the express written authorization of the user.

Requests for inspection or copying of public records of the user, held or maintained by the center, shall be referred to the user for determination as to the right of public access to such records, pursuant to chapter 42.56 RCW.

[Statutory Authority: RCW 42.56.100, 42.56.040 (1)(d), 42.56.120, and 43.10.110. WSR 19-06-020, § 143-06-160, filed 2/27/19, effective 3/30/19. Statutory Authority: Chapter 42.17 RCW. WSR 00-01-028, § 143-06-160, filed 12/7/99, effective 1/7/00; Order 0005, § 143-06-160, filed 4/17/75.]

WAC 143-06-170 Calculations of action costs of producing copies of public records declared to be unduly burdensome—Adoption of statutory fee schedule. (1) Consolidated technology services has deemed the actual calculation of costs to the agency for producing responsive records to a public records request is unduly burdensome, because:

(a) The office does not have the resources to conduct a study to determine all its actual copying costs;

(b) Staff resources are insufficient to perform a study and to calculate such actual costs;

(c) Funds were not allocated for performing a study to calculate such actual costs and the agency lacks the necessary funds to perform a study and calculations;

(d) To conduct such a study would interfere with other essential agency functions;

(e) Through the 2017 legislative process, the public and requesters have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2) (b) and (c), (3) and (4).

As such, consolidated technology services shall charge for copies of records pursuant to the default fees in RCW 42.56.120 (2) (b) and (c). Consolidated technology services will charge for customized services pursuant to 42.56.120(3). Under RCW 42.56.130, consolidated technology services may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. Consolidated technology services may enter into an alternative fee agreement with a requester under RCW 42.56.120(4).

(2) This fee schedule will be set forth on the Consolidated technology services agency web site and be updated with subsequent changes to RCW 42.56 or further Consolidated Technology rulemaking.

(3) Consolidated technology services may include a customized service charge for certain public records requests. Requests that require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such customized access services are not used by the agency. The customized service charge may reimburse Consolidated technology services up to the actual cost of providing these services.

[Statutory Authority: RCW 42.56.100, 42.56.040 (1) (d), 42.56.120, and 43.10.110. WSR 19-06-020, § 143-06-170, filed 2/27/19, effective 3/30/19.]

WAC 143-06-180 Fee waivers. Requestors are required to pay for copies in advance of receiving records. Fee waivers are an exception and are available for some small requests under the following conditions.

(1) It is within the discretion of the public records officer to waive copying fees when: (a) All of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or (b) all of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of 100 printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule.

(2) Fee waivers are not applicable to records provided in installments.

[Statutory Authority: RCW 42.56.100, 42.56.040 (1) (d), 42.56.120, and 43.10.110. WSR 19-06-020, § 143-06-180, filed 2/27/19, effective 3/30/19.]

WAC 143-06-190 Requestor fees and deposits. Consolidated technology services shall require an advance deposit of ten percent of the

estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

All required fees must be paid in advance of release of the copies or an installment of copies, or in advance of when a deposit is required. Consolidated technology services will notify the requestor of when payment is due.

[Statutory Authority: RCW 42.56.100, 42.56.040 (1)(d), 42.56.120, and 43.10.110. WSR 19-06-020, § 143-06-190, filed 2/27/19, effective 3/30/19.]