

Chapter 132H-169 WAC
ACCESS TO PUBLIC RECORDS AT BELLEVUE COMMUNITY COLLEGE
(Formerly chapter 132H-168 WAC)

Last Update: 2/19/19

WAC

| | |
|--------------|---|
| 132H-169-020 | Purpose. |
| 132H-169-025 | Description of college. |
| 132H-169-030 | Definitions. |
| 132H-169-035 | Public records officer. |
| 132H-169-040 | Requests for public records. |
| 132H-169-050 | Processing of records requests. |
| 132H-169-060 | Review of denials of records request. |
| 132H-169-070 | Records exempt from inspection for copying. |
| 132H-169-085 | Copying fees—Payments. |
| 132H-169-095 | Court protection of public records. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|--------------|---|
| 132H-169-010 | Title. [Statutory Authority: RCW 28B.50.140. WSR 99-10-045, § 132H-169-010, filed 4/30/99, effective 5/31/99.] Repealed by WSR 19-05-067, filed 2/19/19, effective 3/22/19. Statutory Authority: RCW 42.56.040 and 28B.50.140(13). |
| 132H-169-080 | Notification of affected persons. [Statutory Authority: RCW 28B.50.140. WSR 99-10-045, § 132H-169-080, filed 4/30/99, effective 5/31/99.] Repealed by WSR 19-05-067, filed 2/19/19, effective 3/22/19. Statutory Authority: RCW 42.56.040 and 28B.50.140(13). |
| 132H-169-090 | Protest concerning access. [Statutory Authority: RCW 28B.50.140. WSR 99-10-045, § 132H-169-090, filed 4/30/99, effective 5/31/99.] Repealed by WSR 19-05-067, filed 2/19/19, effective 3/22/19. Statutory Authority: RCW 42.56.040 and 28B.50.140(13). |
| 132H-169-100 | Requests for review only. [Statutory Authority: RCW 28B.50.140. WSR 99-10-045, § 132H-169-100, filed 4/30/99, effective 5/31/99.] Repealed by WSR 19-05-067, filed 2/19/19, effective 3/22/19. Statutory Authority: RCW 42.56.040 and 28B.50.140(13). |
| 132H-169-110 | Requests for copies. [Statutory Authority: RCW 28B.50.140. WSR 99-10-045, § 132H-169-110, filed 4/30/99, effective 5/31/99.] Repealed by WSR 19-05-067, filed 2/19/19, effective 3/22/19. Statutory Authority: RCW 42.56.040 and 28B.50.140(13). |
| 132H-169-120 | No obligation to create records. [Statutory Authority: RCW 28B.50.140. WSR 99-10-045, § 132H-169-120, filed 4/30/99, effective 5/31/99.] Repealed by WSR 19-05-067, filed 2/19/19, effective 3/22/19. Statutory Authority: RCW 42.56.040 and 28B.50.140(13). |
| 132H-169-130 | Sanctions. [Statutory Authority: RCW 28B.50.140. WSR 99-10-045, § 132H-169-130, filed 4/30/99, effective 5/31/99.] Repealed by WSR 19-05-067, filed 2/19/19, effective 3/22/19. Statutory Authority: RCW 42.56.040 and 28B.50.140(13). |

WAC 132H-169-020 Purpose. The purpose of this chapter is to provide access to existing, identifiable, nonexempt public records of Bellevue College in accordance with the Public Records Act, chapter 42.56 RCW.

[Statutory Authority: RCW 42.56.040 and 28B.50.140(13). WSR 19-05-067, § 132H-169-020, filed 2/19/19, effective 3/22/19. Statutory Authority: RCW 28B.50.140. WSR 99-10-045, § 132H-169-020, filed 4/30/99, effective 5/31/99.]

WAC 132H-169-025 Description of college. (1) **Governance.** Bellevue College is a public institution of higher education established under chapter 28B.50 RCW as a community college, which offers associate and baccalaureate degrees. The college is governed by a board of trustees appointed by the governor. The board appoints a president who serves as the chief executive officer responsible for the administration of the college.

(2) **Main campus.** The main campus of the college is located at 3000 Landerholm Circle S.E., Bellevue, Washington. The college also offers educational programs online and at another campus located at 14673 N.E. 29th Place, Bellevue, Washington.

(3) **Policies and procedures.** College policies meeting the definition of a "rule" under the Administrative Procedure Act, chapter 34.05 RCW, are adopted by the board of trustees and published in Title 132H of the Washington Administrative Code (WAC). Other college policies

approved by the administration are published in policies and procedures available on the college web site.

(4) **Documents index.** As an institution of higher education, the college generally does not have occasion to issue nonexempt "final orders," "declaratory orders," "interpretive statements," or "policy statements" as those terms are defined and used in the Public Records Act. The secretary of the college's board of trustees does maintain and publish on the college web site a documents index of the board's approved meeting minutes, motions, and resolutions. Inquiries may be directed to the secretary of the board in the office of the president.

(5) **College web site.** The college's official web site, available at <http://www.bellevuecollege.edu/> provides general information about the college and its board of trustees, administration, educational programs, and policies and procedures. Persons seeking public records of the college are encouraged to view the records available on the web site prior to submitting a records request.

[Statutory Authority: RCW 42.56.040 and 28B.50.140(13). WSR 19-05-067, § 132H-169-025, filed 2/19/19, effective 3/22/19.]

WAC 132H-169-030 Definitions. (1) "Public record." The term "public record" and other terms defined in the Public Records Act shall have the same meaning in this chapter that they have under the Public Records Act.

(2) "Public Records Act." References in this chapter to the "Public Records Act" are to chapter 42.56 RCW.

(3) Requestor. A "requestor" is any person or entity requesting public records of the college pursuant to the Public Records Act.

(4) College. The term "college" means Bellevue College.

[Statutory Authority: RCW 42.56.040 and 28B.50.140(13). WSR 19-05-067, § 132H-169-030, filed 2/19/19, effective 3/22/19. Statutory Authority: RCW 28B.50.140. WSR 99-10-045, § 132H-169-030, filed 4/30/99, effective 5/31/99.]

WAC 132H-169-035 Public records officer. (1) Designation. A public records officer designated by the college shall be responsible for responding to public records requests in accordance with the provisions of this chapter and applicable provisions of the Public Records Act, chapter 42.56 RCW. The duties of the public records officer under this chapter may be delegated to one or more public records assistants designated by the college.

(2) Duties. The public records officer shall oversee the college's compliance with the Public Records Act. The records officer (or designee) and the college are responsible for providing the fullest assistance to requestors of public records, for ensuring that public records are protected from damage or disorganization, and for preventing records requests from excessively interfering with essential institutional functions or unreasonably disrupting the operations of the college. The college may take reasonable precautions to prevent a requestor from being unreasonably disruptive or disrespectful to college staff.

(3) Records office. Inquiries regarding public records of the college may be addressed to the public records officer at the following address:

Public Records Officer
Bellevue College
3000 Landerholm Circle S.E.
Bellevue, WA 98007
425-564-2451
recordsofficer@bellevuecollege.edu

(4) Office hours. The customary office hours of the public records office are from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.56.040 and 28B.50.140(13). WSR 19-05-067, § 132H-169-035, filed 2/19/19, effective 3/22/19.]

WAC 132H-169-040 Requests for public records. (1) Written requests preferred. Request for public records of the college may be addressed to the public records officer at the address given in WAC 132H-169-035. The college encourages, but does not require, requestors to use the public records request form made available by the public records office or online at <https://www.bellevuecollege.edu/legal/publicrecords/>. Requests made orally, whether by phone or in person, may be confirmed in writing by the public records officer.

(2) Contents of records requests. A request for public records must include the following information:

(a) The name and contact information of the person requesting the records;

(b) The requestor's mailing address, which may be an electronic mail address;

(c) The date and time of the request;

(d) A description of the requested records that is sufficiently detailed to enable the public records officer to identify and locate the records; and

(e) A statement indicating whether the requestor wishes to inspect the records or to receive copies of the records in paper or electronic form.

(3) Lists of individuals for commercial purposes. State agencies and institutions are not permitted to provide lists of individuals for commercial purposes. A request for lists of individuals must be accompanied by the requestor's signed declaration that the list will not be used for commercial purposes. The public records officer may inquire as to the requestor's intended use of the list and may deny the request if it is evident from the request that the list will be used for a commercial purpose.

(4) Assistance in identifying records. The public records officer may assist requestors in identifying the specific records sought by the requestor. With limited exceptions, a requestor may not be required to state the purpose of the request. However, the records officer may ask the purpose of the request if such inquiry will assist in identifying the records request.

[Statutory Authority: RCW 42.56.040 and 28B.50.140(13). WSR 19-05-067, § 132H-169-040, filed 2/19/19, effective 3/22/19. Statutory Authority: RCW 28B.50.140. WSR 99-10-045, § 132H-169-040, filed 4/30/99, effective 5/31/99.]

WAC 132H-169-050 Processing of records requests. (1) Applicable law. Requests for public records will be processed in accordance with these rules and applicable provisions of Public Records Act, chapter 42.56 RCW. Guidance concerning the application of these rules may be found in the advisory model rules adopted by the attorney general under chapter 44-14 WAC.

(2) Prioritizing of requests. Public records requests generally will be processed in the order in which they are received by the records office and within the staffing limitations of the office. However, the records office may expedite requests for a single record or for only a few records if such records are easily identifiable and can be readily retrieved. The records office may ask, but not require, a requestor to prioritize the records the requestor is seeking.

(3) Clarification of requests. The public records officer may request clarification of a records request in accordance with applicable provisions of the Public Records Act. The requestor must respond to the request for clarification within thirty days of the request for clarification.

(4) Providing records by installment. If a requestor submits multiple records requests, or if a request seeks a large number of records or many different types of records, the public records officer may provide access to the records in installments in accordance with applicable provisions of the Public Records Act.

(5) Denial of bot requests. The public records officer may deny a bot request as defined under the Public Records Act, RCW 42.56.080(3) if the records officer reasonably believes the request was automatically generated by a computer program or script.

[Statutory Authority: RCW 42.56.040 and 28B.50.140(13). WSR 19-05-067, § 132H-169-050, filed 2/19/19, effective 3/22/19. Statutory Authority: RCW 28B.50.140. WSR 99-10-045, § 132H-169-050, filed 4/30/99, effective 5/31/99.]

WAC 132H-169-060 Review of denials of records request. (1) Petition for internal administrative review. A requestor who objects to the denial, or partial denial, of a records request may petition in writing to the public records officer for a review of that decision. The public records officer will promptly refer the petition to the office of the president. A senior administrator designated by the president will consider the petition and will render a decision within two business days following the initial receipt of the petition by the public records officer. The time for considering the petition may be extended by mutual agreement of the college and the requestor.

(2) Review by attorney general's office. A requestor who objects to the denial, or partial denial, of a records request may request the office of the attorney general to review the matter as provided in RCW 42.56.530 and WAC 44-06-160. Requests for attorney general review must be directed to: Public Records Review, Office of the Attorney General, P.O. Box 40100, Olympia, Washington 98504-0100.

(3) Judicial review. A requestor may petition the superior court for judicial review of the college's decision denying a public records request, whether in whole or in part, by following the procedures in RCW 42.56.550. The denial of a petition for internal administrative review under subsection (1) of this section shall constitute the final agency action subject to judicial review.

[Statutory Authority: RCW 42.56.040 and 28B.50.140(13). WSR 19-05-067, § 132H-169-060, filed 2/19/19, effective 3/22/19. Statutory Authority: RCW 28B.50.140. WSR 99-10-045, § 132H-169-060, filed 4/30/99, effective 5/31/99.]

WAC 132H-169-070 Records exempt from inspection for copying.

(1) Public Records Act exemptions. The Public Records Act, chapter 42.56 RCW, exempts from inspection or copying certain categories of records as set forth in the Public Records Act or under other statutes. The public records officer will disclose the existence of exempt records as required by law, but will deny the inspection or copying of such records to the extent that the records are exempt from inspection or copying under the Public Records Act or other applicable law.

(2) Commonly applied exemptions. The public records officer maintains a list explaining the exemptions most commonly applied by the college in processing requests for public records. A copy of the list can be requested from the public records officer and will typically be provided by the records officer in responding to a request for records that are determined in whole or in part to be exempt from inspection or copying.

(3) Determining applicable exemptions. The public records officer may seek information from the requestor sufficient to determine whether another statute prohibits disclosure of the requested records. For example, student education records generally may not be disclosed to third parties without the student's written consent.

[Statutory Authority: RCW 42.56.040 and 28B.50.140(13). WSR 19-05-067, § 132H-169-070, filed 2/19/19, effective 3/22/19. Statutory Authority: RCW 28B.50.140. WSR 99-10-045, § 132H-169-070, filed 4/30/99, effective 5/31/99.]

WAC 132H-169-085 Copying fees—Payments.

(1) Fees and payment procedures. The following copying fees and payment procedures apply to requests to the college under chapter 42.56 RCW and received on or after the effective date of this section.

(2) Inspection of records. There is no fee for inspecting public records made available for inspection by the public records officer.

(3) Actual costs not calculated. Pursuant to RCW 42.56.120 (2)(b), the college is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

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

(b) To conduct such a study would interfere with other essential college functions; and

(c) Through the 2017 legislative process, the public and requestors 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).

(4) Default fees adopted. The college will charge for copies or records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The college will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the college may charge other copy

fees authorized by statutes outside of chapter 42.56 RCW. The college may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the college are summarized in the fee schedule available on the college's web site at <https://www.bellevuecollege.edu/legal/publicrecords/>.

(5) Advance payment required - Fee waivers. Requestors are required to pay for copies in advance of receiving records or an installment of records. The records officer will notify the requestor when payment is due. Fee waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer to waive copying fees when:

(i) All of the records responsive to an entire request are paper copies only and consist of twenty-five or fewer pages; or

(ii) 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 one hundred 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.

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

(6) Copying fee deposits. The public records officer may require an advance deposit of ten percent of the estimated fees when copying fees for an installment or an entire request or customized service charge, exceed twenty-five dollars.

(7) Payment method. Payment should be made by check or money order payable to Bellevue College. The college prefers not to receive cash. For cash payments, it is within the public records officer's discretion to determine the denomination of bills and coins that will be accepted.

(8) Closure of request for nonpayment. The college will close a request when a requestor fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

[Statutory Authority: RCW 42.56.040 and 28B.50.140(13). WSR 19-05-067, § 132H-169-085, filed 2/19/19, effective 3/22/19.]

WAC 132H-169-095 Court protection of public records. (1) Notifying interested persons. The college, as required or permitted by law or contract, including any collective bargaining agreement, and in other appropriate circumstances, may notify persons named in a public record, or to whom the record specifically pertains, that release of the record has been requested and that such persons may apply to the superior court for a protective order under RCW 42.56.540.

(2) Applying for court protection. The college in appropriate circumstances may apply to the superior court for a protective order enjoining the examination of any specific public record in accordance with the procedures under RCW 42.56.540. Nothing in the chapter shall be construed as either requiring or prohibiting the college's application to the court for such an order.

[Statutory Authority: RCW 42.56.040 and 28B.50.140(13). WSR 19-05-067, § 132H-169-095, filed 2/19/19, effective 3/22/19.]