

**Chapter 137-08 WAC
PUBLIC RECORDS—DISCLOSURE**

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

137-08-100 Disclosure to client's representative. [Statutory Authority: RCW 42.17.250. WSR 82-04-023 (Order 82-3), § 137-08-100, filed 1/26/82.] Repealed by WSR 18-07-081, filed 3/19/18, effective 4/19/18. Statutory Authority: RCW 72.01.090.

137-08-105 Correction of erroneous information. [Statutory Authority: RCW 10.97.080, 42.17.250 and 72.01.090. WSR 85-13-020 (Order 85-06), § 137-08-105, filed 6/10/85.] Repealed by WSR 18-07-081, filed 3/19/18, effective 4/19/18. Statutory Authority: RCW 72.01.090.

137-08-150 Exemptions to public records disclosure. [Statutory Authority: RCW 72.01.090. WSR 07-12-073, § 137-08-150, filed 6/5/07, effective 7/6/07. Statutory Authority: RCW 10.97.080, 42.17.250 and 72.01.090. WSR 85-13-020 (Order 85-06), § 137-08-150, filed 6/10/85. Statutory Authority: RCW 42.17.250. WSR 82-04-023 (Order 82-3), § 137-08-150, filed 1/26/82.] Repealed by WSR 18-07-081, filed 3/19/18, effective 4/19/18. Statutory Authority: RCW 72.01.090.

137-08-160 Qualifications on nondisclosure. [Statutory Authority: RCW 72.01.090. WSR 07-12-073, § 137-08-160, filed 6/5/07, effective 7/6/07. Statutory Authority: RCW 42.17.250. WSR 82-04-023 (Order 82-3), § 137-08-160, filed 1/26/82.] Repealed by WSR 18-07-081, filed 3/19/18, effective 4/19/18. Statutory Authority: RCW 72.01.090.

137-08-170 Interagency disclosure. [Statutory Authority: RCW 42.17.250. WSR 82-04-023 (Order 82-3), § 137-08-170, filed 1/26/82.] Repealed by WSR 18-07-081, filed 3/19/18, effective 4/19/18. Statutory Authority: RCW 72.01.090.

WAC 137-08-010 Purpose. The purpose of this chapter is to ensure compliance by the department of corrections with the provisions of the Public Records Act, chapter 42.56 RCW.

[Statutory Authority: RCW 72.01.090. WSR 18-07-081, § 137-08-010, filed 3/19/18, effective 4/19/18; WSR 07-12-073, § 137-08-010, filed 6/5/07, effective 7/6/07. Statutory Authority: RCW 42.17.250. WSR 82-04-023 (Order 82-3), § 137-08-010, filed 1/26/82.]

WAC 137-08-020 Definitions. (1) "Public records" include 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 the department 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) "Department" means the department of corrections.

(4) "Client" means any person or organization about whom the department has a record.

(5) "Disclosure" means inspection and/or copying.

(6) "Denial of disclosure" denotes any exempting from disclosure of any public record.

[Statutory Authority: RCW 42.17.250. WSR 82-04-023 (Order 82-3), § 137-08-020, filed 1/26/82.]

WAC 137-08-060 Public records available. The department will take the most timely action possible under the circumstances in responding to public records requests submitted to the agency. Every public records request must be provided an initial response in writing within five business days of receipt of the request.

[Statutory Authority: RCW 72.01.090. WSR 18-07-081, § 137-08-060, filed 3/19/18, effective 4/19/18; WSR 08-04-045, § 137-08-060, filed 1/31/08, effective 3/2/08; WSR 07-12-073, § 137-08-060, filed 6/5/07, effective 7/6/07. Statutory Authority: RCW 10.97.080 and 42.17.320. WSR 86-10-010 (Order 86-05), § 137-08-060, filed 4/29/86. Statutory Authority: RCW 10.97.080, 42.17.250 and 72.01.090. WSR 85-13-020 (Order 85-06), § 137-08-060, filed 6/10/85. Statutory Authority: RCW 42.17.250. WSR 82-04-023 (Order 82-3), § 137-08-060, filed 1/26/82.]

WAC 137-08-070 Public records officer. The department will designate a public records officer, who will be responsible for implementing the department's rules regarding disclosure of public records, coordination of staff in this regard, and generally ensuring compliance by staff with public records disclosure requirements.

[Statutory Authority: RCW 72.01.090. WSR 18-07-081, § 137-08-070, filed 3/19/18, effective 4/19/18. Statutory Authority: RCW 10.97.080 and 42.17.320. WSR 86-10-010 (Order 86-05), § 137-08-070, filed 4/29/86. Statutory Authority: RCW 42.17.250. WSR 82-04-023 (Order 82-3), § 137-08-070, filed 1/26/82.]

WAC 137-08-080 Public records coordinators. The department will designate from among its employees public records coordinators, who will:

- (1) Have responsibility to respond to written requests for disclosure of the department's nonexempt public records located in that location; and
- (2) Be responsible to gather records from staff and provide them in response to any public records request pertaining to their location.

[Statutory Authority: RCW 72.01.090. WSR 18-07-081, § 137-08-080, filed 3/19/18, effective 4/19/18. Statutory Authority: RCW 42.17.250. WSR 82-04-023 (Order 82-3), § 137-08-080, filed 1/26/82.]

WAC 137-08-090 Request for public records. (1) All requests for the disclosure of a public record, other than requests by incarcerated individuals for inspection of their health record or central file must be submitted in writing directly to the Department of Corrections Public Records Officer at P.O. Box 41118, Olympia, WA 98504 or via email at publicdisclosureunit@doc1.wa.gov identifying the record(s) sought with reasonable certainty. The written request should include:

- (a) The name of the person requesting the record and their contact information;
- (b) The calendar date on which the request is made; and
- (c) The records requested.

Incarcerated individuals under the authority of the department of corrections will submit requests to inspect their own health record, under chapter 70.02 RCW, or central file to the records manager at the facility in which they are currently incarcerated. For all other requests, incarcerated individuals must submit the request to the public records officer at the address listed in this subsection.

(2) A request received after business hours will be considered to have been received the following business day.

[Statutory Authority: RCW 72.01.090. WSR 18-07-081, § 137-08-090, filed 3/19/18, effective 4/19/18; WSR 08-04-045, § 137-08-090, filed 1/31/08, effective 3/2/08. Statutory Authority: RCW 42.17.250. WSR 82-04-023 (Order 82-3), § 137-08-090, filed 1/26/82.]

WAC 137-08-110 Fees—Inspection and copying. (1) The following copy fees and payment procedures apply to requests to the department under chapter 42.56 RCW and received on or after July 23, 2017.

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

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

(b) Through the 2017 legislative process, the public including 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).

(3) The department will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The department will charge for any customized services used pursuant to RCW 42.56.120(3). Under RCW 42.56.430, the department may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The charges for copying methods used by the department are summarized in the fee schedule available on the department's web site at www.doc.wa.gov.

(4) Requestors are required to pay for copies in advance of receiving the records.

(5) No fee will be charged for the inspection of public records.

(6) No fee will be charged to:

(a) Law enforcement agencies that have made a request to the department for the purpose of active criminal investigation and/or prosecution.

(b) Other state agencies.

(c) Additional waivers may be made at the discretion of the public records officer.

(7) The public records officer may require an advance deposit of ten percent of the estimated fees or customized service charge as allowable under RCW 42.56.120(4).

(8) Responsive records may be provided in installments as allowable under RCW 42.56.120(4). Each installment must be either paid for or inspected prior to fulfilling the remainder of the request.

(9) Payment should be made by check or money order to the department of corrections. If, at the discretion of the public records offi-

cer cash payment is permitted, then the public records officer will also determine the denomination of bills and coins that will be accepted.

(10) The department will close a request when the requestor fails within thirty days to pay for a request or an installment or for the required ten percent deposit.

[Statutory Authority: RCW 72.01.090. WSR 18-07-081, § 137-08-110, filed 3/19/18, effective 4/19/18. Statutory Authority: RCW 10.97.080, 42.17.250 and 72.01.090. WSR 85-13-020 (Order 85-06), § 137-08-110, filed 6/10/85. Statutory Authority: RCW 42.17.250. WSR 82-04-023 (Order 82-3), § 137-08-110, filed 1/26/82.]

WAC 137-08-120 Inspection of public records. Other than incarcerated individuals inspecting their own health record or central file, public records will be inspected at department headquarters. This inspection will occur only in the presence of a public records or correctional records staff person or his or her designee, who will withdraw the records if the person requesting disclosure acts in a manner which could damage or substantially disorganize the records or interfere excessively with other essential functions of the department.

[Statutory Authority: RCW 72.01.090. WSR 18-07-081, § 137-08-120, filed 3/19/18, effective 4/19/18. Statutory Authority: RCW 42.17.250. WSR 82-04-023 (Order 82-3), § 137-08-120, filed 1/26/82.]

WAC 137-08-130 Exemption procedure. (1) The public records staff will review file materials prior to disclosure.

(2) If the file does not contain materials exempt from disclosure, the staff person will ensure full production.

(3) When a person's identity is relevant to an exemption, that person may be required to provide personal identification.

(4) If the file does contain materials exempt from disclosure, under chapter 42.56 RCW or other statutes, the staff person responding will deny production of those exempt portions of the file, and will, at the time of denial, in writing, clearly specify the reasons for the denial of production, including a statement of the specific exemptions or reasons authorizing the withholding of the record and a brief explanation of how the exemption or reason applies. The remaining, non-exempt materials will be fully disclosed.

[Statutory Authority: RCW 72.01.090. WSR 18-07-081, § 137-08-130, filed 3/19/18, effective 4/19/18. Statutory Authority: RCW 42.17.250. WSR 82-04-023 (Order 82-3), § 137-08-130, filed 1/26/82.]

WAC 137-08-140 Review of denial of disclosure. (1) If the person requesting disclosure disagrees with the decision or the processing of their request, such person may petition the department's public records appeals officer for review of the decision denying disclosure. The form used by public records staff to deny disclosure of a public record will clearly indicate this right of review.

(2) Within thirty calendar days after receipt of a petition for review of a decision, the department will review the decision and advise the requestor, in writing, of its decision.

[Statutory Authority: RCW 72.01.090. WSR 18-07-081, § 137-08-140, filed 3/19/18, effective 4/19/18. Statutory Authority: RCW 10.97.080 and 42.17.320. WSR 86-10-010 (Order 86-05), § 137-08-140, filed 4/29/86. Statutory Authority: RCW 42.17.250. WSR 82-04-023 (Order 82-3), § 137-08-140, filed 1/26/82.]

WAC 137-08-180 Records index. A general records index outlining common record types maintained by the agency may be accessed on the department's web site in the public disclosure section at <http://www.doc.wa.gov/information/records/request.htm>.

[Statutory Authority: RCW 72.01.090. WSR 18-07-081, § 137-08-180, filed 3/19/18, effective 4/19/18; WSR 08-01-026, § 137-08-180, filed 12/10/07, effective 1/10/08; WSR 06-19-058, § 137-08-180, filed 9/18/06, effective 10/19/06. Statutory Authority: RCW 42.17.250. WSR 82-04-023 (Order 82-3), § 137-08-180, filed 1/26/82.]