

**Chapter 106-276 WAC
PUBLIC RECORDS**

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WAC

106-276-001	Purpose.
106-276-010	Definitions.
106-276-030	Description of the university.
106-276-040	Public records officer.
106-276-050	Requests for public records.
106-276-060	Processing of records requests.
106-276-070	Records exempt from inspection or copying.
106-276-080	Public records available for inspection.
106-276-090	Copying fees—Payments.
106-276-110	Review of denials of public records requests.
106-276-120	Court protection of public records.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

106-276-005	Definitions. [Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-005, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-005, filed 7/11/78; Order 11, § 106-276-005, filed 2/27/73.] Repealed by WSR 19-16-061, filed 7/30/19, effective 8/30/19. Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW.
106-276-100	Determination regarding exempt records. [Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 02-18-064, § 106-276-100, filed 8/29/02, effective 9/29/02; WSR 94-20-075 (Order CWU AO 76), § 106-276-100, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-100, filed 7/11/78; Order 11, § 106-276-100, filed 2/27/73.] Repealed by WSR 19-16-061, filed 7/30/19, effective 8/30/19. Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW.
106-276-200	Legislative liaison policy. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-200, filed 7/11/78; Order 11, § 106-276-200, filed 2/27/73.] Repealed by WSR 86-23-007 (Order 59), filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).
106-276-210	Designation. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-210, filed 7/11/78; Order 11, § 106-276-210, filed 2/27/73.] Repealed by WSR 86-23-007 (Order 59), filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).
106-276-220	Responsibility. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-220, filed 7/11/78; Order 11, § 106-276-220, filed 2/27/73.] Repealed by WSR 86-23-007 (Order 59), filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).
106-276-230	Document index. [Statutory Authority: RCW 28B.35.120(12). WSR 91-23-031 (Order CWU AO 69), § 106-276-230, filed 11/12/91, effective 12/13/91.] Repealed by WSR 19-16-061, filed 7/30/19, effective 8/30/19. Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW.

WAC 106-276-001 Purpose. The purpose of this chapter is to provide for public access to existing, identifiable, nonexempt public records of Central Washington University in accordance with the Public Records Act, chapter 42.56 RCW.

[Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW. WSR 19-16-061, § 106-276-001, filed 7/30/19, effective 8/30/19. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-001, filed 7/11/78; Order 11, § 106-276-001, filed 2/27/73.]

WAC 106-276-010 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 university pursuant to the Public Records Act.

(4) **University.** The term "university" means Central Washington University.

[Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW. WSR 19-16-061, § 106-276-010, filed 7/30/19, effective 8/30/19. Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-010, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). WSR 86-23-007 (Order 59), § 106-276-010, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-010, filed 7/11/78; Order 11, § 106-276-010, filed 2/27/73.]

WAC 106-276-030 Description of the university. (1) Mission - Governance. Central Washington University is a public institution of higher education established under chapter 28B.35 RCW as a regional university offering academic and professional degree programs at the undergraduate and graduate levels. The university 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 university.

(2) **Main campus - University centers.** The main campus of the university is located at 400 East University Way, Ellensburg, Washington 98926. The university also offers educational programs online and at university centers located throughout the state, including Des Moines, Everett, Kent, Lakewood/Pierce County, Lynnwood, Moses Lake, Sammamish, Wenatchee, and Yakima.

(3) **Policies and procedures.** University 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 106 WAC. Other university policies approved by the administration are published in policies and procedures manuals available on the university website.

(4) **Documents index.** As an institution of higher education, the university 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 university's board of trustees does maintain and publish on the university website 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) **University website.** The university's official website, available at www.cwu.edu, provides general information about the university and its governing board, administration, educational programs, and policies and procedures. Persons seeking public records of the university are encouraged to view the records available on the website prior to submitting a records request.

[Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW. WSR 19-16-061, § 106-276-030, filed 7/30/19, effective 8/30/19. Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-030, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). WSR 86-23-007 (Order 59), § 106-276-030, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-030, filed 7/11/78; Order 11, § 106-276-030, filed 2/27/73.]

WAC 106-276-040 Public records officer. (1) **Designation.** A public records officer designated by the university 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 university.

(2) **Duties.** The public records officer shall oversee the university's compliance with the Public Records Act. The records officer (or designee) and the university 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 university. The university may take reasonable precautions to prevent a requestor from being unreasonably disruptive or disrespectful to university staff.

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

Public Records Officer
Central Washington University
400 East University Way
Ellensburg, WA 98926-7474
Phone: 509-963-2310
Email: publicdisclosure@cwu.edu

(4) **Office hours.** The regular office hours of the public records office are 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 28B.35.120 and chapter 34.05 RCW. WSR 19-16-061, § 106-276-040, filed 7/30/19, effective 8/30/19. Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-040, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-040, filed 7/11/78; Order 11, § 106-276-040, filed 2/27/73.]

WAC 106-276-050 Requests for public records. (1) **Written requests preferred.** Requests for public records of the university may be addressed to the public records officer at the address given in WAC 106-276-040. The university encourages, but does not require, requestors to use the public records request form made available by the public records office on the university website (www.cwu.edu/business-services). 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 requested.

[Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW. WSR 19-16-061, § 106-276-050, filed 7/30/19, effective 8/30/19. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-050, filed 7/11/78; Order 11, § 106-276-050, filed 2/27/73.]

WAC 106-276-060 Processing of records requests. (1) **Applicable law.** Requests for public records will be processed in accordance with these rules and applicable provisions of the 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 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 office 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.

(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 responding to the multiple requests would cause excessive interference with other essential functions of the university and the records officer reasonably believes the request was automatically generated by a computer program or script.

(6) **Closure of requests.** When the requestor either withdraws the request, or fails to clarify an entirely unclear request, or fails to fulfill the requestor's obligations to inspect records, pay the deposit, pay the required fees for an installment, or make final payment

for the requested copies, the public records officer will close the request and notify the requestor that the request has been closed.

[Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW. WSR 19-16-061, § 106-276-060, filed 7/30/19, effective 8/30/19. Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-060, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). WSR 86-23-007 (Order 59), § 106-276-060, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.35.120. WSR 80-11-027 (Order 45), § 106-276-060, filed 8/14/80. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-060, filed 7/11/78; Order 11, § 106-276-060, filed 2/27/73.]

WAC 106-276-070 Records exempt from inspection or 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 office 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 office maintains a list explaining the exemptions most commonly applied by the university 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 28B.35.120 and chapter 34.05 RCW. WSR 19-16-061, § 106-276-070, filed 7/30/19, effective 8/30/19. Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-070, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-070, filed 7/11/78; Order 11, § 106-276-070, filed 2/27/73.]

WAC 106-276-080 Public records available for inspection. (1) **Scheduling of appointments.** Public records identified as responsive to a public records request may be made available for inspection and copying during regular office hours by scheduling an appointment with the public records officer. The requestor must review the assembled records, or installment of records, within thirty days of being notified that the records are available for review. The records officer will notify the requestor in writing of this requirement and will ask the requestor or a representative of the requestor to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the university may close the request.

(2) **Protection of records.** The public records officer will be responsible for providing full access to public records made available for inspection, for protecting the records from damage or disorganization, and for preventing excessive interference with essential university functions. Public records made available for inspection may not be removed from the office without the permission of the records officer.

(3) **Copying of records.** The public records officer will arrange for copying of any records designated by the requestor and will charge such copying fees as may apply under WAC 106-276-090.

[Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW. WSR 19-16-061, § 106-276-080, filed 7/30/19, effective 8/30/19. Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-080, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). WSR 86-23-007 (Order 59), § 106-276-080, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-080, filed 7/11/78; Order 11, § 106-276-080, filed 2/27/73.]

WAC 106-276-090 Copying fees—Payments. (1) **Fees and payment procedures.** The following copying fees and payment procedures apply to requests to the university under chapter 42.56 RCW 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 under WAC 106-276-080.

(3) **Actual costs not calculated.** Pursuant to RCW 42.56.120 (2)(b), the university 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 university 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 university will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The university will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the university may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The university may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the university are summarized in the fee schedule available on the university's website at www.cwu.edu/business-services.

(5) **Advanced 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 the 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 credit or debit card or by check or money order payable to Central Washington University. The university prefers not to receive cash. Cash payments will be accepted if made in the exact amount.

(8) **Closure of request for nonpayment.** The university 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 28B.35.120 and chapter 34.05 RCW. WSR 19-16-061, § 106-276-090, filed 7/30/19, effective 8/30/19. Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-090, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-090, filed 7/11/78; Order 11, § 106-276-090, filed 2/27/73.]

WAC 106-276-110 Review of denials of public records requests.

(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 university 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 obtain judicial review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative review.

[Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW. WSR 19-16-061, § 106-276-110, filed 7/30/19, effective 8/30/19. Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). WSR 94-20-075 (Order CWU AO 76), § 106-276-110, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). WSR 86-23-007 (Order 59),

§ 106-276-110, filed 11/7/86. Statutory Authority: RCW 28B.19.050 and 28B.40.120. WSR 78-08-011 (Order 39), § 106-276-110, filed 7/11/78; Order 11, § 106-276-110, filed 2/27/73.]

WAC 106-276-120 Court protection of public records. (1) **Notifying interested persons.** The university, 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 university 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 this chapter shall be construed as either requiring or prohibiting the university's application to the court for such an order.

[Statutory Authority: RCW 28B.35.120 and chapter 34.05 RCW. WSR 19-16-061, § 106-276-120, filed 7/30/19, effective 8/30/19.]