

**Chapter 352-40 WAC
PUBLIC RECORDS**

Last Update: 7/23/19

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

352-40-020 How do we define terms? [Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-020, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-020, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-020, filed 7/25/73.] Repealed by WSR 19-15-137, filed 7/23/19, effective 8/23/19. Statutory Authority: Chapter 79A.05 RCW.

352-40-050 Public records available. [Order 15, § 352-40-050, filed 7/25/73.] Repealed by WSR 03-11-068, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW.

352-40-125 Purpose of records index. [Statutory Authority: RCW 43.51.040. WSR 90-20-032, § 352-40-125, filed 9/25/90, effective 10/26/90.] Repealed by WSR 03-11-068, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW.

352-40-127 Definitions in records index. [Statutory Authority: RCW 43.51.040. WSR 90-20-032, § 352-40-127, filed 9/25/90, effective 10/26/90.] Repealed by WSR 03-11-068, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW.

352-40-140 Location of record indexes and communications. [Statutory Authority: RCW 43.51.040. WSR 90-20-032, § 352-40-140, filed 9/25/90, effective 10/26/90; Order 15, § 352-40-140, filed 7/25/73.] Repealed by WSR 03-11-068, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW.

352-40-150 Adoption of form. [Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-150, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-150, filed 7/25/73.] Repealed by WSR 08-24-005, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070.

352-40-900 Request for public record—Form. [Statutory Authority: RCW 43.51.040. WSR 90-20-032, § 352-40-900, filed 9/25/90, effective 10/26/90; Appendix A (codified as WAC 352-40-900), filed 7/25/73.] Repealed by WSR 03-11-068, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW.

WAC 352-40-010 What is the purpose of this chapter? The purpose of this chapter is to set forth the procedures by which state parks will respond to public records requests made under the Public Records Act, chapter 42.56 RCW.

[Statutory Authority: Chapter 79A.05 RCW. WSR 19-15-137, § 352-40-010, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-010, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-010, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-010, filed 7/25/73.]

WAC 352-40-030 When and where can I access state parks' public records? Most public records of the commission and the agency are located at the state parks' headquarters office in Tumwater. Appropriate parks staff will determine where physical records can be inspected.

Requests for such inspections can be made by contacting the agency's public records officer.

Mailing address:
P.O. Box 42650
Olympia, WA 98504-2650

Physical address:
1111 Israel Road S.W.
Tumwater, WA 98501
Email: public.disclosure@parks.wa.gov
Phone: 360-902-8514

The communications office is available to assist with media inquiries and general public information requests.

Phone: 360-902-8562
Email: washington.state.parks@parks.wa.gov

[Statutory Authority: Chapter 79A.05 RCW. WSR 19-15-137, § 352-40-030, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-030, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-030, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 42.17.250. WSR 83-23-095 (Order 72), § 352-40-030, filed 11/22/83; Order 15, § 352-40-030, filed 7/25/73.]

WAC 352-40-040 How is the agency organized and how is it operated? The Washington state park system includes approximately one hundred twenty-four developed parks, recreation programs, trails, boating safety and winter recreation.

(1) State parks is governed by a commission consisting of seven citizens of the state, appointed by the governor.

(2) The director is the commission appointed executive head of the agency.

(3) An executive leadership team reports to the director. These team members manage various aspects of agency operations such as operations, parks development, administrative services, communications, human resources, and policy and governmental affairs.

[Statutory Authority: Chapter 79A.05 RCW. WSR 19-15-137, § 352-40-040, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-040, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-040, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-040, filed 7/25/73.]

WAC 352-40-060 Who do I contact to request state parks' public records? The agency public records officer, located at headquarters, is responsible for:

(1) Receiving and reviewing requests for public records.

(2) Coordinating agency records management to ensure protection of, and prompt access to, public records.

(3) Implementing and ensuring compliance by the commissioners and staff with the public records disclosure requirements of chapter 42.56 RCW.

Mailing address:
P.O. Box 42650
Olympia, WA 98504-2650

Physical address:
1111 Israel Road S.W.
Tumwater, WA 98501
Email: public.disclosure@parks.wa.gov
Phone: 360-902-8514

(4) Contact information and general information regarding public records requests, a current fee schedule, and access to our public records form is available on our website (www.parks.wa.us).

[Statutory Authority: Chapter 79A.05 RCW. WSR 19-15-137, § 352-40-060, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-060, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-060, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-060, filed 7/25/73.]

WAC 352-40-070 When can I inspect public records? Public records are available for inspection by appointment only during regular business hours, Monday through Friday, excluding legal holidays.

Agency facilities shall be made available to any person for the inspection of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.

[Statutory Authority: Chapter 79A.05 RCW. WSR 19-15-137, § 352-40-070, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-070, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-070, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 42.17.250. WSR 83-23-095 (Order 72), § 352-40-070, filed 11/22/83; Order 15, § 352-40-070, filed 7/25/73.]

WAC 352-40-080 How do I request copies of state parks' public records? While not required, using parks' request for public record form, provides the information we need to assist you and provides you with our copy and mailing fees.

- (1) The information that we will need is:
 - (a) The name, address, phone number, and email address (if available) of the person requesting the record;
 - (b) The date on which the request is made;
 - (c) A description, with as much detail as you can provide, to help identify the record(s) requested;
 - (d) A statement that the information will not be used for commercial purposes.

(2) Oral requests will be reduced to writing and provided to the requestor to memorialize the records being requested.

(3) The agency does not distinguish among persons requesting records under the Public Records Act and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.56.070(9) or other statute that exempts or prohibits disclosure of specific information or records to certain persons.

[Statutory Authority: Chapter 79A.05 RCW. WSR 19-15-137, § 352-40-080, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-080, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-080, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-080, filed 7/25/73.]

WAC 352-40-090 Will I have to pay to inspect or get copies of state parks' public records? The agency does not charge a fee for the inspection of public records.

The agency will charge an amount necessary to recover its costs for producing and mailing copies of records, as provided for by RCW 42.56.120.

Our fee schedule can be found on the request for public record form and on our website (www.parks.wa.us). Payment is required prior to receiving copies of records.

Charges totaling less than five dollars may be waived.

[Statutory Authority: Chapter 79A.05 RCW. WSR 19-15-137, § 352-40-090, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-090, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-090, filed 5/19/03, effective 6/19/03. Statutory Authority: Chapter 43.51 RCW. WSR 92-10-019, § 352-40-090, filed 4/29/92, effective 5/30/92; Order 15, § 352-40-090, filed 7/25/73.]

WAC 352-40-100 Can my request be denied? (1) A request can be denied if it is for records that are exempt from disclosure under the provisions of the Public Records Act, chapter 42.56 RCW, or other statute including RCW 79A.60.210 and 79A.60.220.

(2) Whenever possible, the agency will make requested records available after exempt information has been redacted.

(3) Under the provisions of RCW 42.56.070(8), public records requests will also be denied if the purpose of the request is to sell or use the information for commercial purposes.

If a request is denied, or if a record is withheld entirely or redacted, the agency will specify in writing the reason for the denial, withholding, or redaction, including identification of the specific exemption authorizing the withholding or redaction of the record and a brief explanation of how the exemption applies to the record withheld or redacted.

[Statutory Authority: Chapter 79A.05 RCW. WSR 19-15-137, § 352-40-100, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-100, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-100, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-100, filed 7/25/73.]

WAC 352-40-110 What can I do if I object to the agency's denial to inspect or receive a copy of a public record? You have options. You can:

(1) Request an internal administrative review of the denial for access.

(a) Provide state parks' public records officer with your written request for a review of the decision. Include a copy of the denial or refer specifically to the denial statement in your petition.

(b) The public records officer will promptly provide the petition and any other relevant information to the director or designee to conduct a review.

(c) The director or designee will consider the matter and, within two business days of receiving the petition, or within such time as state parks and the requestor mutually agree, either affirm or reverse the denial. If the director or designee has not responded to the requestor by the end of the two business days following denial of access, then the request is deemed denied.

(2) Ask the attorney general's office to review the matter. Pursuant to RCW 42.56.530, the attorney general's office will provide a written opinion on whether the record is exempt.

(3) Initiate an action in the superior court.

[Statutory Authority: Chapter 79A.05 RCW. WSR 19-15-137, § 352-40-110, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-110, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-110, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-110, filed 7/25/73.]

WAC 352-40-120 What rules must be followed when inspecting public records? (1) The following rules have been put in place to help the agency protect the public records under its care:

(a) You may not remove any public record from the agency premises.

(b) State parks may require that a designated agency employee be present while inspecting public records.

(c) You may not mark or deface a public record in any manner during inspection.

(d) You may not dismantle public records that are maintained in a file or jacket or in chronological or other filing order.

(2) Access to file cabinets, shelves, vaults, or other storage areas is restricted to agency personnel unless other arrangements are made with the public records officer or designee.

(3) State parks follows rules established under RCW 40.14.060 regarding destruction of public records. The destruction of records re-

sponsive to a public records request will be delayed until the request is resolved.

[Statutory Authority: Chapter 79A.05 RCW. WSR 19-15-137, § 352-40-120, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-120, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-120, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-120, filed 7/25/73.]

WAC 352-40-130 How are agency records indexed? Records retention schedules established and maintained under the directives of RCW 40.14.060 serve as an index for the agency's records.

The agency has a functional indexing system for commission policy and the agency's administrative policy and procedures.

Commission meetings minutes and agenda items are indexed by year and month.

[Statutory Authority: Chapter 79A.05 RCW. WSR 19-15-137, § 352-40-130, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, chapter 42.56 RCW, RCW 42.56.040 and 42.56.070. WSR 08-24-005, § 352-40-130, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. WSR 03-11-068, § 352-40-130, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 43.51.040. WSR 90-20-032, § 352-40-130, filed 9/25/90, effective 10/26/90; Order 15, § 352-40-130, filed 7/25/73.]

WAC 352-40-135 Calculation of actual costs of producing copies of public records declared to be unduly burdensome—Adoption of statutory fee schedule. (1) Pursuant to RCW 42.56.120(2), as amended by section 3, chapter 304, Laws of 2017, the Washington state parks and recreation commission declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records: 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; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential agency functions.

(2) The Washington state parks and recreation commission may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120, as amended by section 3, chapter 304, Laws of 2017.

[Statutory Authority: 2017 c 304, RCW 42.56.120 and chapter 79A.05 RCW. WSR 17-23-139, § 352-40-135, filed 11/20/17, effective 12/21/17.]