

**Chapter 132N-276 WAC
PUBLIC RECORDS**

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WAC

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WAC 132N-276-005 Board policy statement—Public records. The college shall be responsible for the efficient and proper disclosure of public records as required by the laws and regulations of the state of Washington. Public records information shall include fully detailed administrative procedures. The board delegates to the president or designee the responsibility to appoint a public records officer who shall administer the process.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-005, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-005, filed 8/29/77.]

WAC 132N-276-010 Administrative procedures—Purpose. The purpose of this section shall be to ensure compliance by the college with the provisions of the state law dealing with public records.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-010, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-010, filed 8/29/77.]

WAC 132N-276-020 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 any state or local agency 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, motion pictures, film and video recordings, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated, magnetic or punched cards, disks, drums and other documents.

(3) Community College District 14 is an agency organized by statute pursuant to chapter 28B.50 RCW. Community College District 14

shall hereinafter be referred to as the "college." Where appropriate, the term "board" refers to the board of trustees of the district.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-020, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-020, filed 8/29/77.]

WAC 132N-276-030 Description of central and field organization of the college. The college is a community college district organized under RCW 28B.50.040. The administrative office of the college and its staff are located at Clark College, 1800 E. McLoughlin Blvd., Vancouver, WA 98663-3598.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-030, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-030, filed 8/29/77.]

WAC 132N-276-040 Operations and procedures. The college is established under chapter 28B.50 RCW to implement the educational purposes established by chapter 28B.50 RCW. The college is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members, each appointed by the governor to a term of five years. The board usually meets once a month in regular session on a date and at a time and place specified by public notice and at such special meetings as are announced by public notice. On occasion, the board may not meet at all in a particular calendar month. At such time the trustees exercise the power and duties granted them under law.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-040, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-040, filed 8/29/77.]

WAC 132N-276-050 Public records available. All public records of the college, as defined in WAC 132N-276-020 are available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310, 42.17.315, 42.17.260(1), and WAC 132N-276-100.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-050, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-050, filed 8/29/77.]

WAC 132N-276-060 Public records officer. The college's public records shall be in the charge of the public records officer designated by the president. The person so designated is the dean of administrative services of the college. The public records officer shall be responsible for the implementation of the college's rules and regulations regarding release of public records, coordinating the staff of the college in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of RCW 42.17.250 through 42.17.340.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-060, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-060, filed 8/29/77.]

WAC 132N-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the college. For the purpose of this section, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding college holidays.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-070, filed 5/31/96, effective 7/1/96. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 89-12-024 (Order 89-01, Resolution No. 89-01), § 132N-276-070, filed 5/31/89; Order 77-3 d, § 132N-276-070, filed 8/29/77.]

WAC 132N-276-080 Requests for public records. In accordance with the requirements of RCW 42.17.250 through 42.17.340 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected 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 by completing a request for public records form which is available at administrative services. The form shall be presented to the public records officer during customary office hours or mailed to:

Administrative Services
Clark College
1800 E. McLoughlin Blvd.
Vancouver, WA 98663-3598

The request shall include the following information:

(a) The name of the person requesting the records or, alternatively, how the request should be directed.

(b) The time of day and calendar date of the request.

(c) The nature of the request.

(d) If the matter requested is referenced within an index maintained by the public records officer, a reference to the requested records as described in such index.

(e) If the requested matter is not identifiable by reference to an index, an appropriate description of the records is requested.

(2) The public records officer shall reply to written requests within five business days of receipt of the request by either:

(a) Providing copies of the requested records;

(b) Acknowledging receipt of the request and providing a reasonable estimate of the time the college will require to respond; or

(c) Denying the public records request. Denials of requests for public records will be accompanied by a written statement specifying the reason for denial.

(3) Additional time to respond to a request should be based on the public records officer's need to ask that the requestor clarify the intent of the request, to locate and assemble the information, to notify third persons or agencies who are the subject of or affected by

the request, or to determine whether any of the information requested is exempt. If the requestor fails to clarify the request, the college need not respond to it.

(4) 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 records requested.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-080, filed 5/31/96, effective 7/1/96. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 89-12-024 (Order 89-01, Resolution No. 89-01), § 132N-276-080, filed 5/31/89; Order 77-3 d, § 132N-276-080, filed 8/29/77.]

WAC 132N-276-090 Copying. (1) No fee shall be charged for the inspection of public records. The college will apply the following copy fees and payment procedures to requests to the college under chapter 42.56 RCW.

(2) 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 college 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 agency 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).

(3) The college will charge for copies of 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.

(4) 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:

(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 are 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.

(5) 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, exceeds twenty-five dollars.

(6) 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. The office will notify the requestor when payment is due.

(7) Payment should be made by check or money order to Clark College.

(8) 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 28B.50.140, 42.56.040, 42.56.070, 42.56.100, 42.56.120 (as amended by 2017 c 304). WSR 17-22-094, § 132N-276-090, filed 10/30/17, effective 11/30/17. Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-090, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-090, filed 8/29/77.]

WAC 132N-276-100 Exemptions/exceptions. (1) The college reserves the right to determine that public records requested in accordance with the procedures outlined in WAC 132N-276-080 are exempt under the provisions of RCW 42.17.310, 42.17.315, 42.17.260(1).

(2) In addition, pursuant to RCW 42.17.260, the college reserves the right to delete identifying details when it makes available or publishes any public records in any cases when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy protected by state law or would impair a vital governmental interest. The public records officer will fully justify such deletion in writing.

(3) The release or disclosure of student educational records is governed by federal regulation (FERPA). Separate and different procedures are established by the college for student educational records.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-100, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-100, filed 8/29/77.]

WAC 132N-276-110 Review of denials of public records requests.

(1) Any person who objects to the denial of a request for public records may petition for prompt review of such decision by tendering a written request 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) Immediately after receiving a written request for review of a decision denying public records, the public records officer or other staff member denying the request shall refer it to the president of the college. The president or designee shall consider the college's obligation to comply with the intent of chapter 42.17 RCW, the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the statutory provisions which require the college to protect public records from damage or disorganization, prevent excessive interference with essential college functions, and prevent any unreasonable invasion of personal privacy by deleting identifying details. The president or designee shall complete the review within two business days after receiving the written request for review of the decision denying a public record.

(3) Administrative remedies shall not be considered exhausted until the college has returned the petition with a decision, provided the requested records, or until the close of the second business day following the denial or inspection has been reached, whichever occurs first.

(4) Whenever the college concludes that a public record is exempt from disclosure and denies inspection and copying, the requestor may request a review of the matter by the office of the attorney general. A written request for review by the attorney general's office, along with a copy of the request and the college's written denial, should be sent to:

Office of Attorney General
Public Records Review
P.O. Box 40100
Olympia, Washington 98504-0100

The office of the attorney general will conduct a prompt and independent review of the request and the college's denial and provide a written opinion as to whether the record requested is exempt from disclosure. This review is not binding upon the college or the requestor.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-110, filed 5/31/96, effective 7/1/96. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 89-12-024 (Order 89-01, Resolution No. 89-01), § 132N-276-110, filed 5/31/89; Order 77-3 d, § 132N-276-110, filed 8/29/77.]

WAC 132N-276-120 Protection of public records. Requests for public records shall be made at the administrative services office of the college. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designed for their inspection. Copies shall be made at the college. If copying facilities are not available at the college, the college will arrange to have copies made commercially.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-120, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-120, filed 8/29/77.]

WAC 132N-276-130 Records index. The college shall make available for public inspection and copying all indexes maintained for college use under the same rules and the same conditions as applied to public records.

The office of the president shall maintain indexes of orders, board resolutions by number, and board actions by date and subject. The administrative services office shall maintain indexes of board policies and administrative procedures by reference number and subject.

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-130, filed 5/31/96, effective 7/1/96. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 89-12-024 (Order 89-01, Resolution No. 89-01), § 132N-276-130, filed 5/31/89; Order 77-3 d, § 132N-276-130, filed 8/29/77.]

WAC 132N-276-140 Adoption of form. The college hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for public record(s)."

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-140, filed 5/31/96, effective 7/1/96; Order 77-3 d, § 132N-276-140, filed 8/29/77.]

WAC 132N-276-150 Appendix A—Form—Request for public record(s).

Request for Public Record(s)

Clark College Administrative Services

This form is to be used to initiate a request for copying or inspection of public records as prescribed in RCW 42.17.250 through 340. The form is to be completed and sent to the Clark College Administrative Services Dept.

Name (Please Print) _____

Signature _____

Name of Organization (If Applicable) _____

Phone Number _____

Mailing Address _____

Date and Time Request Made _____

Record(s) Requested: _____

Will this information be used for commercial purposes? Yes _____ No _____

Instructions for Receipt of Record(s) _____

(To be completed by Public Records Officer)

Date and Time Request Received _____

- All records subject to the request are provided with this response.
- The College will need _____ days to respond to the request based on the following reason(s):
 - The intent of your request needs to be clarified: *(Specific questions should be included here; e.g., what time period? Does the request include personal information?)* _____

Note: Failure to clarify the request will mean no further response).

- To locate and assemble the records.
- To notify third persons or agencies affected by the request.
- To determine whether any of the information request is exempt and that a denial should be made as to all or part of the request.
- The request is denied based on the following exemption(s): _____

You may obtain review of the decision denying inspection by presenting a written request for review along with the written statement which sets forth the basis for denial to the President. The President's review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purpose of judicial review.

_____, Public Records Officer

Date and Time of Response: _____

Acknowledgment of receipt: _____

Date: _____

ADB 2233
10/23/95

[Statutory Authority: RCW 28B.50.140 and 42.17.250(1). WSR 96-12-041, § 132N-276-150, filed 5/31/96, effective 7/1/96. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 89-12-024 (Order 89-01, Resolution No. 89-01), § 132N-276-150, filed 5/31/89; Order 77-3 d, § 132N-276-150, filed 8/29/77.]