Chapter 132S-10 WAC
PUBLIC RECORDS

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132S-10-010 Designation of legislative liaisons. [Order 73-4, § 132S-10-010, filed 6/18/73.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-10-015 Responsibility. [Order 73-4, § 132S-10-015, filed 6/18/73.] Repealed by WSR 82-21-012 (Order 82-1), filed 10/11/82. Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW.

132S-10-016 Public records—Purpose and definitions. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-016, filed 10/11/82. Formerly WAC 132S-17-010 and 132S-17-015.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-10-020 Operations and procedures. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-020, filed 10/11/82. Formerly WAC 132S-17-025.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-10-021 Public records available. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-021, filed 10/11/82. Formerly WAC 132S-17-030.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-10-022 Public records officer. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-022, filed 10/11/82. Formerly WAC 132S-17-035.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-10-023 Public records—Office hours. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-023, filed 10/11/82. Formerly WAC 132S-17-040.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-10-024 Requests for public records. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-024, filed 10/11/82. Formerly WAC 132S-17-045.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-10-025 Public records—Fees. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-025, filed 10/11/82. Formerly WAC 132S-17-050.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-10-026 Public records—Exemptions. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-026, filed 10/11/82. Formerly WAC 132S-17-055.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-10-027 Review of denials of public records requests. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-027, filed 10/11/82. Formerly WAC 132S-17-060.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-10-028 Public records index. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-028, filed 10/11/82. Formerly WAC 132S-17-065.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

132S-10-029 Request for public records—Address. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-10-029, filed 10/11/82. Formerly WAC 132S-17-070.] Repealed by WSR 16-12-039, filed 5/25/16, effective 6/25/16. Statutory Authority: RCW 28B.50.140.

WAC 132S-10-030 Authority and purpose. (1) RCW 42.56.070(1) requires Columbia Basin College (college or agency) to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to 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 agency.

(2) The purpose of these rules is to establish the procedures Columbia Basin College will follow in order to provide access to public records. These rules provide information to persons wishing to request access to public records of the college and establish processes for both requestors and college staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. In carrying out its responsibilities under the act, the college will be guided by the provisions of the act describing its purposes and interpretation.

[Statutory Authority: RCW 25B.50.140 [28B.50.140], 2017 c 303, 2017 c 304 and chapter 42.56 RCW. WSR 17-23-180, § 132S-10-030, filed 11/21/17, effective 12/22/17. Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-10-030, filed 5/25/16, effective 6/25/16.]

WAC 132S-10-040 Definitions. (1) "Public record" includes 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. This definition does not include records that are not otherwise required to be retained by the college and are held by volunteers who:

(a) Do not serve in an administrative capacity;

(b) Have not been appointed by the college to a college board, commission, or internship; and

(c) Do not have a supervisory role or delegated college authority.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, 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, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

(3) Relating to the conduct of government means to be a public record, a document must relate to the conduct of government or the performance of any governmental or proprietary function. Almost all records held by an agency relate to the conduct of government; however, some do not. A purely personal record having absolutely no relation to the conduct of government is not a public record. Even though a purely personal record might not be a public record, a record of its existence might be. For example, a record showing the existence of a purely personal email sent by an agency employee on an agency computer would probably be a public record, even if the contents of the email itself were not.

(4) Prepared, owned, used, or retained means a public record is a record prepared, owned, used, or retained by an agency. A record can be used by an agency even if the agency does not actually possess the record. If an agency uses a record in its decision-making process, it is a public record. For example, if an agency considered technical specifications of a public works project and returned the specifica-

tions to the contractor in another state, the specifications would be a public record because the agency used the document in its decision-making process. The agency could be required to obtain the public record, unless doing so would be impossible. An agency cannot send its only copy of a record to a third party for the sole purpose of avoiding disclosure.

(5) Identifiable record(s) means the public record request must be for identifiable records. A request for all or substantially all records prepared, owned, used, or retained by the college is not a valid request for identifiable records, provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of the college's records.

(6) "Bot" request means a request for public records that the college reasonably believes was automatically generated by a computer program or script.

[Statutory Authority: RCW 25B.50.140 [28B.50.140], 2017 c 303, 2017 c 304 and chapter 42.56 RCW. WSR 17-23-180, § 132S-10-040, filed 11/21/17, effective 12/22/17. Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-10-040, filed 5/25/16, effective 6/25/16.]

WAC 132S-10-050 Availability of public records. (1) Hours for inspection of records. Once a request is processed, public records of Columbia Basin College are available for inspection or receipt of copies during normal business hours of the college, Monday through Thursday 7:00 a.m. to 4:30 p.m. and Friday 7:00 a.m. to 12:00 p.m., excluding legal holidays. Records must be inspected at the offices of the college's human resources office.

(2) **Records index.** An index of public records is available for use by members of the public. There may be exemptions that may prohibit the college from releasing certain documents. The index may be accessed online at www.columbiabasin.edu.

(3) **Organization of records.** Columbia Basin College will maintain its records in a reasonably organized manner. The college will take reasonable actions to protect records from damage and disorganization. A requestor shall not take the college's records from Columbia Basin College offices without the permission of the public records officer or designee. A variety of records are available on the Columbia Basin College website at www.columbiabasin.edu. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

(4) The college shall not impose copying charges for access to or downloading of records that the college routinely posts on its public internet website prior to receipt of a request unless the requestor has specifically requested that the college provide copies of records through other means.

(5) **Making a request for public records.**

(a) Any person wishing to inspect or receive copies of public records of the college should make the request in person during the college's normal office hours, or in writing on the college's request form, or by letter, fax, or email addressed to the public records officer. While no official format is required for making a records request, the college recommends that the requestor submit requests using the college provided request form. The request form is available at the office of the public records officer and online at

www.columbiabasin.edu. Regardless of format, the request must include the following information:

(i) Name of requestor;

(ii) Address of requestor;

(iii) Other contact information, including telephone number and any email address;

(iv) Identification of the public records must be for identifiable records; and

(v) The date and time of day of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, the requestor should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to WAC 132S-10-080 the fee schedule lists the charges the college may charge for providing copies.

(c) The public records officer or designee may accept requests for public records that contain the information in this subsection (4) by telephone or in person. If the public records officer or designee accepts such a request, they will confirm receipt of the information and the substance of the request in writing.

(d) The act does not allow an agency to provide access to "lists of individuals requested for commercial purposes." RCW 42.56.070(9). The request form includes an inquiry of the requestor whether the request is for commercial purposes. Columbia Basin College may also require a requestor to sign a declaration attesting that the request is not for use for commercial purposes.

[Statutory Authority: RCW 25B.50.140 [28B.50.140], 2017 c 303, 2017 c 304 and chapter 42.56 RCW. WSR 17-23-180, § 132S-10-050, filed 11/21/17, effective 12/22/17. Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-10-050, filed 5/25/16, effective 6/25/16.]

WAC 132S-10-060 Public records officer. (1) Any person wishing to request access to public records of Columbia Basin College, or seeking assistance in making such a request should contact the public records officer of the college:

Vice President for
Human Resources & Legal Affairs
Columbia Basin College
2600 North 20th Avenue
Pasco, WA 99301
Phone: 509-542-5548
Fax: 509-544-2029
Email: hrclerk@columbiabasin.edu

Information is also available at the college's website at www.columbiabasin.edu.

(2) The public records officer will oversee compliance with the act but another college staff member may process requests. Therefore, these rules will refer to the public records officer or designee.

[Statutory Authority: RCW 28B.50.140(13). WSR 25-20-025, s 132S-10-060, filed 9/23/25, effective 10/24/25. Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-10-060, filed 5/25/16, effective 6/25/16.]

WAC 132S-10-070 Requests for public records. Both requestors and agencies have responsibilities under the act. The public records process can function properly only when both parties perform their respective responsibilities. An agency has a duty to promptly provide access to all nonexempt public records. A requestor has a duty to request identifiable records, inspect the assembled records or pay for the copies, and be respectful to agency staff.

(1) Providing "fullest assistance." Columbia Basin College is charged by statute with adopting rules which provide for how it will provide full access to public records, protect records from damage or disorganization, prevent excessive interference with other essential functions of the agency, provide fullest assistance to requestors, and provide the most timely possible action on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) Acknowledging receipt of request. Within five business days of receipt of the request, the public records officer will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of when records will be available; or

(d) Request clarification from the requestor by telephone or in writing if the request is unclear or does not sufficiently identify the requested records. To the greatest extent possible, the request for clarification will provide a reasonable estimate of the time required to respond to the request if it is not clarified. If the requestor fails to clarify the request, and the entire request is unclear, the public records officer need not respond to it. Otherwise, the public records officer must respond to those portions of the request that are clear. Once clarification is received, the public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request.

(3) Protecting rights of others. In the event the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask them to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(4) Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If the college believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(5) Inspection of records.

(a) Consistent with other demands, the college shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents they wish the college to copy.

(b) The requestor must claim or review the assembled records within thirty days of the college's notification that the records are available for inspection or copying. The college will notify the requestor in writing of this requirement and inform the requestor to contact the college to make arrangements to claim or inspect 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 college may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(6) Providing copies of records. After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying by college staff.

(7) Providing records in installments. When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if the public records officer reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(8) Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that Columbia Basin College has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(9) Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill the obligation to inspect the records or pays the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the college has closed the request.

(10) Later discovered documents. If, after the college has informed the requestor that it has provided all available records, the college becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

[Statutory Authority: RCW 28B.50.140 and 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 20-23-031, § 132S-10-070, filed 11/10/20, effective 12/11/20. Statutory Authority: RCW 25B.50.140 [28B.50.140], 2017 c 303, 2017 c 304 and chapter 42.56 RCW. WSR 17-23-180, § 132S-10-070, filed 11/21/17, effective 12/22/17. Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-10-070, filed 5/25/16, effective 6/25/16.]

WAC 132S-10-080 Fee schedule for providing copies of public records. (1) The fee schedule for providing copies under which the college may charge:

PRA Fee Schedule

Actual cost	Customized service charge (in addition to fees for copies - See copying fees below.
Copies:	
Fifteen (15) cents/ page	Photocopies, printed copies of electronic records when requested by the requestor, or for the use of college equipment to make photocopies.
Ten (10) cents/ page	Scanned records, or use of college equipment for scanning.
Five (5) cents/each for electronic files or attachment	Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery.
Ten (10) cents/ gigabyte	Records transmitted in electronic format or for use of college equipment to send records electronically.
Actual cost	Digital storage media or devices.
Actual cost	Any container or envelope used to mail copies.
Actual cost	Postage or delivery charges.
Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request.	
Option for copies:	
Up to a two-dollar ($2.00) flat fee	As an alternative to the copy charges, the college may charge a flat fee of up to two dollars for any request when the college reasonably estimates and documents the costs are equal to or more than two dollars. If applied to the initial installment, additional flat fees shall not be charged for subsequent installments.

(2) Customized service charge. In addition to the charge imposed for providing copies of public records and for equipment copying costs, the college may include a customized service charge. A customized service charge may only be imposed if the college estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the college for other college purposes. This charge may reimburse the college up to the actual cost of providing the services. The college will notify the requestor of the charge, explanation of why the charge applies, a description of the specific expertise and a reasonable estimate for the charge before the request is filled. The college will also provide the requestor the opportunity to amend the request in order to avoid or reduce the cost.

(3) Payment. Payment may be made by cash, check, or money order to Columbia Basin College, 2600 North 20th Avenue, Pasco, WA 99301.

[Statutory Authority: RCW 25B.50.140 [28B.50.140], 2017 c 303, 2017 c 304 and chapter 42.56 RCW. WSR 17-23-180, § 132S-10-080, filed 11/21/17, effective 12/22/17. Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-10-080, filed 5/25/16, effective 6/25/16.]

WAC 132S-10-090 Exemptions. (1) **Public Records Act exemptions.** There are a number of types of records exempt from public inspection and copying. The college reserves the right to determine that a public record requested in accordance with WAC 132S-10-070, or any portion thereof, is exempt under the Public Records Act.

(2) **Other exemptions.** Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by the college for inspection and copying. This is not an exhaustive list as numerous exemptions exist out-

side of the act to an academic setting. The college's failure to list an exemption here shall not affect the efficacy of any exemption.

(a) RCW 5.60.060 - Privileged communications;

(b) 20 U.S.C. 1232g - Family Educational Rights and Privacy Act (FERPA);

(c) 42 U.S.C. 405 (c)(2)(vii)(1) - Social Security numbers

(d) 45 C.F.R. 16-0164 – HIPPA privacy rule;

(e) Chapter 19.108 RCW and RCW 4.24.601 - Uniform Trades Secret Act; and

(f) Chapter 10.97 RCW - Regarding criminal history information.

(3) **Identification of exemptions.** A denial of any record, in whole or part, shall include a statement of the specific exemption(s) authorizing the withholding of the record (or portion thereof) and a brief explanation of how the exemption applies to the record of information withheld.

[Statutory Authority: RCW 25B.50.140 [28B.50.140], 2017 c 303, 2017 c 304 and chapter 42.56 RCW. WSR 17-23-180, § 132S-10-090, filed 11/21/17, effective 12/22/17. Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-10-090, filed 5/25/16, effective 6/25/16.]

WAC 132S-10-100 Review of denials of public records. (1) Petition for internal administrative review of denial of access. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) Consideration of petition for review. The public records officer shall promptly provide the petition and any other relevant information to the president of Columbia Basin College or designee to conduct the review. The president or designee will immediately consider the petition and either affirm or reverse the denial within two business days following the college's receipt of the petition, or within such other time as the college and the requestor mutually agree to.

(3) Review by the attorney general's office. Pursuant to RCW 42.56.530, if Columbia Basin College denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Judicial review. Any person may obtain court 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 appeal. If the judicial review relates to whether the college provided a reasonable estimate of time or estimate of charges to produce copies, the Franklin county superior court may require the college to show that the estimate it provided was reasonable.

[Statutory Authority: RCW 25B.50.140 [28B.50.140], 2017 c 303, 2017 c 304 and chapter 42.56 RCW. WSR 17-23-180, § 132S-10-100, filed 11/21/17, effective 12/22/17. Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-10-100, filed 5/25/16, effective 6/25/16.]