Chapter 174-276 WAC
ACCESS TO PUBLIC RECORDS

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WAC

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174-276-020 General course and method of decision making. [Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-020, filed 1/26/90, effective 2/26/90.] Repealed by WSR 23-03-081, filed 1/13/23, effective 2/13/23. Statutory Authority: RCW 28B.40.120, chapters 34.05 and 42.56 RCW.

174-276-095 Requests for review. [Statutory Authority: RCW 28B.40.120(12). WSR 97-13-047, § 174-276-095, filed 6/13/97, effective 7/14/97.] Repealed by WSR 23-03-081, filed 1/13/23, effective 2/13/23. Statutory Authority: RCW 28B.40.120, chapters 34.05 and 42.56 RCW.

174-276-120 Form—Request for review—Public records request. [Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-120, filed 1/26/90, effective 2/26/90.] Repealed by WSR 23-03-081, filed 1/13/23, effective 2/13/23. Statutory Authority: RCW 28B.40.120, chapters 34.05 and 42.56 RCW.

WAC 174-276-005 Purpose. The purpose of this chapter is to provide for public access to existing, identifiable, nonexempt public records of The Evergreen State College in accordance with the Public Records Act, chapter 42.56 RCW.

[Statutory Authority: RCW 28B.40.120, chapters 34.05 and 42.56 RCW. WSR 23-03-081, § 174-276-005, filed 1/13/23, effective 2/13/23. Statutory Authority: RCW 28B.40.120(12). WSR 97-13-047, § 174-276-005, filed 6/13/97, effective 7/14/97.]

WAC 174-276-010 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 Evergreen State College pursuant to the Public Records Act.

(4) **College.** The term "college" means The Evergreen State College.

[Statutory Authority: RCW 28B.40.120, chapters 34.05 and 42.56 RCW. WSR 23-03-081, § 174-276-010, filed 1/13/23, effective 2/13/23. Statutory Authority: RCW 28B.40.120(12). WSR 97-13-047, § 174-276-010, filed 6/13/97, effective 7/14/97. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-010, filed 1/26/90, effective 2/26/90.]

WAC 174-276-030 Description of the college. (1) **Mission – Governance.** The college is a public institution of higher education, established under chapter 28B.40 RCW as a state college. The college 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 college.

(2) **College campus.** The campus of the college is located at 2700 Evergreen Parkway N.W., Olympia, WA 98505. The college is located within Thurston County. The college operates the Tacoma Program at 1210 6th Ave, Tacoma, WA 98405.

(3) **Policies and procedures.** College policies meeting the definition of a "rule" under the Administrative Procedure Act, chapter 34.05 RCW are adopted by the board of trustees or designees and published in Title 174 of the Washington Administrative Code (WAC). Other college policies approved by the administration are published in college policies and procedures manuals.

(4) **Documents index.** As an institution of higher education, the college 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. Should the college possess such records, an index of final orders, declaratory orders, interpretive statements, and policy statements, entered after June 30, 1990, shall be available for public inspection at the office of the public records officer, and shall also be published on the college website. Any such index shall be organized by type of record, reviewed and updated at least once a year, and revised when deemed necessary. The secretary of the college's board of trustees does maintain and publish on the college website a document index of the board's approved meeting agendas and minutes. Inquiries may be directed to the secretary of the board in the office of the college president.

(5) **College website.** The college's official website, available at www.evergreen.edu, provides general information about the college and its governing board, administration, educational programs, and policies and procedures. Persons seeking public records of the college are encouraged to view the records available on the website prior to submitting a records request.

[Statutory Authority: RCW 28B.40.120, chapters 34.05 and 42.56 RCW. WSR 23-03-081, § 174-276-030, filed 1/13/23, effective 2/13/23. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-030, filed 1/26/90, effective 2/26/90.]

WAC 174-276-040 Public records officer. (1) **Designation.** A public records officer designated by the college 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 college.

(2) **Duties.** The public records officer shall oversee the college's compliance with the Public Records Act. The records officer (or designee) and the college 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 college. The college may take reasonable precautions to prevent a re-

questor from being unreasonably disruptive or disrespectful to college staff.

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

Public Records Officer
The Evergreen State College
2700 Evergreen Parkway N.W., Library 3200
Olympia, WA 98505
360-867-6914
publicrecords@evergreen.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 and college closures.

[Statutory Authority: RCW 28B.40.120, chapters 34.05 and 42.56 RCW. WSR 23-03-081, § 174-276-040, filed 1/13/23, effective 2/13/23. Statutory Authority: RCW 28B.40.120(12). WSR 97-13-047, § 174-276-040, filed 6/13/97, effective 7/14/97. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-040, filed 1/26/90, effective 2/26/90.]

WAC 174-276-050 Requests for public records. (1) **Written requests preferred.** Requests for public records of the college may be addressed to the public records officer at the address given in WAC 174-276-040. The college encourages, but does not require, requestors to submit their request via email or by using the form made available on the college website (www.evergreen.edu/publicrecords). Requests made orally, whether by phone or in person, may be confirmed in writing by the public records officer or designee.

(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 public records;

(b) The requestor's mailing address or email 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 and records custodians to identify and locate the responsive records;

(e) A statement indicating whether the requestor wishes to inspect the records or to receive copies of the records, and if copies are requested, the preferred format for receipt of the records (e.g., paper or electronic, and if electronic, pdf or other format); and

(f) A statement indicating the requestors preferred method for receipt of responsive records (i.e., email, postal service, or pick-up).

(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 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.40.120, chapters 34.05 and 42.56 RCW. WSR 23-03-081, § 174-276-050, filed 1/13/23, effective 2/13/23. Statutory Authority: RCW 28B.40.120(12). WSR 97-13-047, § 174-276-050, filed 6/13/97, effective 7/14/97. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-050, filed 1/26/90, effective 2/26/90.]

WAC 174-276-060 Processing of public 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 requests.** Public records requests generally will be processed in the order in which they are received by the college's public 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 officer 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 30 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 office 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 college and the records officer reasonably believes the request was automatically generated by a computer program or script.

(6) **Closure of requests.** When the requestor withdraws the request, fails to respond to a request for clarification from the college within 30 days or clarify an entirely unclear request within 30 days, fails to provide signed certification that a request for records including a list of names is not for commercial purposes, 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.40.120, chapters 34.05 and 42.56 RCW. WSR 23-03-081, § 174-276-060, filed 1/13/23, effective 2/13/23. Statutory Authority: RCW 28B.40.120(12). WSR 97-13-047, § 174-276-060, filed 6/13/97, effective 7/14/97. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-060, filed 1/26/90, effective 2/26/90.]

WAC 174-276-070 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 officer 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 inspections 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 college in processing requests for public records. A copy of the list can be requested from the public records officer. Relevant exemptions will be provided to the requestor by the public 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.40.120, chapters 34.05 and 42.56 RCW. WSR 23-03-081, § 174-276-070, filed 1/13/23, effective 2/13/23. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-070, filed 1/26/90, effective 2/26/90.]

WAC 174-276-080 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 30 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 to contact the records office 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 30-day period or make other arrangements, the college 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 college 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 174-276-090.

[Statutory Authority: RCW 28B.40.120, chapters 34.05 and 42.56 RCW. WSR 23-03-081, § 174-276-080, filed 1/13/23, effective 2/13/23. Statutory Authority: RCW 28B.40.120(12). WSR 97-13-047, § 174-276-080, filed 6/13/97, effective 7/14/97. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-080, filed 1/26/90, effective 2/26/90.]

WAC 174-276-090 Copying fees—Payments. (1) **Fees and payment procedures.** The following copying fees and payment procedures apply to requests to the college for public records 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 174-276-080.

(3) **Actual costs not calculated.** 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 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 college 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 college will charge for copies of public records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). 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 available on the college's website at www.evergreen.edu.

(5) **Advanced payment required - Fee waivers.** Requestors are required to pay for copies in advance of receiving records or an installment of records. The public 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 25 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 100 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 10 percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceed $25.

(7) **Payment method.** Payment should be made by credit card or debit card or by check or money order payable to The Evergreen State College. The college prefers not to receive cash. Cash payments will be accepted if made in the exact amount.

(8) **Closure of request for nonpayment.** The college will close a request when a requestor fails by the payment due date to pay in the manner prescribed for records, an installment of records, or a required deposit.

[Statutory Authority: RCW 28B.40.120, chapters 34.05 and 42.56 RCW. WSR 23-03-081, § 174-276-090, filed 1/13/23, effective 2/13/23. Statu-

tory Authority: RCW 28B.40.120(12). WSR 97-13-047, § 174-276-090, filed 6/13/97, effective 7/14/97. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-090, filed 1/26/90, effective 2/26/90.]

WAC 174-276-100 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 college and the requestor.

(2) **Review by the 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, WA 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.40.120, chapters 34.05 and 42.56 RCW. WSR 23-03-081, § 174-276-100, filed 1/13/23, effective 2/13/23. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-100, filed 1/26/90, effective 2/26/90.]

WAC 174-276-110 Court protection of public records. (1) **Notifying interested persons.** The college, as required by permitted 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 college 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 college's application to the court for such an order.

[Statutory Authority: RCW 28B.40.120, chapters 34.05 and 42.56 RCW. WSR 23-03-081, § 174-276-110, filed 1/13/23, effective 2/13/23. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-110, filed 1/26/90, effective 2/26/90.]