

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Office of Archaeology & Historic Preservation

(agency name)

Administrative Order No. 4

(1) I, Jeanne M. Welch, director of the Office of Archaeology & Historic Preservation do promulgate and adopt at 111 West 21st Avenue, Olympia, Washington (place) the annexed rules relating to: compliance by the agency with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules. This action is taken pursuant to Notice No. 80-02-082 filed with the code reviser on January 21, 1980. Such rules shall take effect: [X] pursuant to RCW 34.04.040(2). [] at a later date, such date being _____.

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules. I, _____, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is: _____ Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.____ (1977 c. 19 § 2)¹ that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- [] (a) This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute.
[] (b) This rule is promulgated pursuant to RCW _____ which directs that the

_____ (agency) has authority to implement the provisions of _____ (name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the Office of Archaeology & Historic Preservation _____ (agency) as authorized in RCW 43.51A.080

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON ADOPTED March 11 19 80

FILED

APR 3 1980

By Jeanne M. Welch Deputy State Historic Preservation Officer

Title

CODE REVISER'S OFFICE WSR 80-05-001

[Form CR-7: Effective 12/1/77]



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

111 West Twenty-First Avenue, Olympia, Washington 98504 (206) 753-4011

April 3, 1980

TO: Code Reviser
FROM: Jeanne M. Welch
SUBJECT: RULE PURPOSE STATEMENT - PUBLIC RECORDS

Title. The purpose of the rule is to provide compliance by the Office of Archaeology and Historic Preservation with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records. The authority is contained in RCW 43.51A.080(6).

Summary. The rule describes the general availability of public records in the Office of Archaeology and Historic Preservation, establishes office hours, and identifies the location of public records. It also outlines the method by which requests for public records shall be received and what actions the agency will take in regard to such requests. It establishes a fee for copying records, and identifies those records that are exempt from public review. The rule identifies an appeal process for members of the public who believe that they have been wrongly denied access to public records.

Agency Personnel. The rule has been drafted by David M. Hansen, Chief, Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, Washington; (206) 753-4117, SCAN 234-4117. Implementation and enforcement of the rule shall be made under the direction of Jeanne M. Welch, Director, Office of Archaeology and Historic Preservation, address as above; (206) 753-4011, SCAN 234-4011.

Opponents and Proponents. No opponents or proponents of the rules are known to the Office of Archaeology and Historic Preservation.

Comments and Recommendations. The rule is consistent with the revision of the state historic preservation program constituted in Chapter 43.51A. RCW which established the Office of Archaeology and Historic Preservation. Previously, the public records of the Office were addressed in a WAC adopted under the Parks and Recreation Commission.

cc: Secretary of the Senate
Chief Clerk of the House

Chapter 25-18

PUBLIC RECORDS

- WAC
- 25-18-010 Purpose.
 - 25-18-020 Definitions.
 - 25-18-030 Public Records Available.
 - 25-18-040 Public Records Officer.
 - 25-18-050 Office Hours.
 - 25-18-060 Requests for Public Records.
 - 25-18-070 Copying.
 - 25-18-080 Exemptions.
 - 25-18-090 Review of Denials of Public Records Requests.
 - 25-18-100 Protection of Public Records.
 - 25-18-110 Communications.
 - 25-18-120 Adoption of Form.
 - 25-18-130 Request for Public Records.

NEW SECTION

WAC 25-18-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Office of Archaeology and Historic Preservation with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records.

NEW SECTION

WAC 25-18-020 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 characteristic.

(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, magnetic or punched cards, discs, drums and other documents.

(3) "Office of Archaeology and Historic Preservation" shall mean the agency established pursuant to by RCW 43.51A.030, hereinafter referred to as the "office."

(4) "State Historic Preservation Officer" shall mean that person appointed pursuant to RCW 43.51A.060 to implement the purposes of that chapter, hereinafter referred to as "SHPO."

NEW SECTION

WAC 25-18-030 PUBLIC RECORDS AVAILABLE. All public records of the office, as defined in WAC 25-18-020(1), are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 25-18-080.

NEW SECTION

WAC 25-18-040 PUBLIC RECORDS OFFICER. The office's public records shall be in the charge of the public records officer designated by the SHPO. The person so designated shall be located in the office. The public records officer shall be responsible for the following: the implementation of office policy in regard to the release of public records, coordinating the staff of the office in this regard, and generally insuring staff compliance with the public disclosure requirements of chapter 1, Laws of 1973 (Chapter 42.17 RCW).

NEW SECTION

WAC 25-18-050 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4 p.m., Monday through Friday, excluding legal holidays. All public records of the agency are located at the Office of Archaeology and Historic Preservation, 111 West 21st, Olympia, Washington.

NEW SECTION

WAC 25-18-060 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 1, Laws of 1973, 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 copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedure:

(1) A request shall be made in writing upon a form prescribed herein which shall be available at the location indicated in WAC 25-18-050. The form shall be presented to the public records officer, or to another designated member of the staff if the public records officer is not available, during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) An appropriate description of the record requested.

(2) The public records officer, or staff member assisting the member of the public making the request, will ascertain whether or not the information requested is exempt from public inspection and copying as outlined in WAC 25-18-080 and further defined in RCW 42.17.310. Included therein, but not limited to, are such exemptions as personal information that may violate the right of privacy of the individual, national defense information, certain aspects of real estate appraisals as outlined in (g) of said section, and other particular information.

(3) In all cases, it shall be the obligation of the public records officer, or staff member to whom the request is made, to:

(a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;

(b) Assist the member of the public in appropriately identifying the public record requested;

(c) Protect and otherwise prevent damage to the public record being inspected and copied;

(d) Prevent disorganization of file folders or document containers;

(e) Remain in the company of the member of the public at all times during which a public document is being inspected, and provide the fullest assistance possible;

(f) Prevent excessive interference with the other essential functions of the agency.

(4) In all cases, the member of the public making the request will not be permitted access to the file storage area.

NEW SECTION

WAC 25-18-070 COPYING. No fee shall be charged for the inspection of public records. The office shall charge a fee of fifty cents per page of copy for single page documents and twenty-five cents per page of copy for multiple page document copies of public records and for use of the office copy equipment. This charge is the amount necessary to reimburse the office for its actual cost incident to such copying.

NEW SECTION

WAC 25-18-080 EXEMPTIONS. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 25-18-060 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the office reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION

WAC 25-18-090 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by rendering 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 a public record, the public records officer or other staff member denying the request shall refer it to the SHPO. The SHPO shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

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

NEW SECTION

WAC 25-18-100 PROTECTION OF PUBLIC RECORDS. Records are available for inspection and copying at the location and during office hours identified in WAC 25-18-050 and then only in the presence of an authorized employee of the office and with the aid and assistance of such an employee.

NEW SECTION

WAC 25-18-110 COMMUNICATIONS. All communications with the office including but not limited to the submission of materials pertaining to its operation, the administration, or the enforcement of chapter 1, Laws of 1973, and these rules, requests for copies of decisions and other matters, shall be addressed as follows: State Historic Preservation Officer, Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, WA 98504.

NEW SECTION

WAC 25-18-120 ADOPTION OF FORM. The office hereby adopts for use by all persons requesting inspection or copying or copies of its records, the form attached hereto as WAC 25-18-130, entitled "Request for Public Record."

NEW SECTION

WAC 25-18-130 REQUEST FOR PUBLIC RECORD.

To: State Historic Preservation Officer
Office of Archaeology and Historic Preservation
111 West 21st Avenue
Olympia, WA 98504

Name of requestor: _____

Address of requestor: _____

(Street)

(City)

(State)

(Zip)

Date of request: _____

(Month)

(Day)

(Year)

Time of request: _____

AM
PM

(Hour)

What information is requested? _____

Are copies requested? _____

If so, how many? _____

Total pages _____

Fee charged _____ \$ _____

Pages x \$ _____)