

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Office of Archaeology and Historic Preservation

(agency name)

Administrative Order No. 8

(1) I, Jacob E. Thomas, director of the Office of Archaeology and Historic Preservation

do promulgate and adopt at 111 West 21st Avenue, Olympia, Washington (place)

the annexed rules relating to:

compliance by the Washington State Heritage Council with the provisions of RCW 41.17.250 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. 84-19-010 filed with the code reviser on Sept. 10, 1984. These rules shall take effect: [] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [x] at a later date, such date being November 8, 1984.

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that this 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 the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 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)

[x] (c) This rule is promulgated under the general rule-making authority of the

Office of Archaeology and Historic Preservation

(agency)

as authorized in RCW 27.34

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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.

APPROVED AND ADOPTED November 8 19 84

FILED

NOV 8 1984

CODE REVISER'S OFFICE

WSR 84-23-005

By Jacob E. Thomas State Historic Preservation Officer Title

Chapter 25-36 WAC

PUBLIC RECORDS

WAC

25-36-010	Purpose.
25-36-020	Definitions.
25-36-030	Public records available.
25-36-040	Public records officer.
25-36-050	Office hours.
25-36-060	Requests for public records.
25-36-070	Copying.
25-36-080	Exemptions.
25-36-090	Review of denials of public records requests.
25-36-100	Protection of public records.
25-36-110	Communications.
25-36-120	Adoption of form.
25-36-130	Request for public record.

NEW SECTION

WAC 25-36-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Washington state heritage council with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records.

NEW SECTION

WAC 25-36-020 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) "Heritage council" means the council established by RCW 27.34.030, hereinafter referred to as the "council."

(4) "State historic preservation officer" means that person appointed pursuant to RCW 27.34.210 to implement the purposes of that chapter, hereinafter referred to as "SHPO."

(5) "Office of archaeology and historic preservation" means the agency established by RCW 27.34.210, hereinafter referred to as the "office."

NEW SECTION

WAC 25-36-030 PUBLIC RECORDS AVAILABLE. All public records of the office, as defined in WAC 25-36-020(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 25-36-080.

NEW SECTION

WAC 25-36-040 PUBLIC RECORDS OFFICER. The council'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 council 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 25-36-050 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 council are located at the Office of Archaeology and Historic Preservation, 111 West 21st, Olympia, Washington.

NEW SECTION

WAC 25-36-060 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 25-36-050. 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 25-36-080 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.

NEW SECTION

WAC 25-36-070 COPYING. No fee shall be charged for the inspection of public records. The office shall charge a fee of ten cents per page for photocopies for single and multiple page documents. This charge is the amount necessary to reimburse the office for its actual cost incident to such copying.

NEW SECTION

WAC 25-36-080 EXEMPTIONS. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 25-36-060 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 (chapter 42.17 RCW). 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 25-36-090 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 or his designee. 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 25-36-100 PROTECTION OF PUBLIC RECORDS. Records are available for inspection and copying at the location and during office hours identified in WAC 25-36-050 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 25-36-110 COMMUNICATIONS. All communications with the council 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: Washington State Heritage Council, 111 West 21st Avenue, Olympia, WA 98504.

NEW SECTION

WAC 25-36-120 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 25-36-130, entitled "request for public record."

NEW SECTION

WAC 25-36-130. REQUEST FOR PUBLIC RECORD.

To: Council Administrator
Washington State Heritage Council
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: _____
(Hour) AM
PM

What information is requested? _____

Are copies requested? _____

If so, how many? _____

Total pages _____

Fee charged _____ \$ _____

(Pages x \$ _____)

AGREEMENT TO PROTECT RECORDS FROM
USE FOR A COMMERCIAL PURPOSE

I hereby agree that the list of individuals and/or information provided me by the shall not be used for any commercial purpose by myself or by any organizations I represent. I will protect the list of individuals and/or information from access by anyone who may use it for purposes of contacting the individuals named therein or otherwise personally affecting them in furtherance of any profit-seeking activity.

.....
Requestor

SUBSCRIBED AND SWORN TO before me this day of, 19

.....
NOTARY PUBLIC in and for
the State of Washington,
residing at