

WSR 23-21-036

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed October 6, 2023, 3:24 p.m., effective November 6, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule making is to update the regulations governing the employment security department's (department) public records processes, including the information required to be submitted as part of a public records request and requests for the department to review a response denying a public records request.

Citation of Rules Affected by this Order: Amending WAC 192-02-060 and 192-02-130.

Statutory Authority for Adoption: RCW 42.56.100, 50.13.030, 50A.25.030, and 50B.04.170.

Adopted under notice filed as WSR 23-17-024 on August 8, 2023.

A final cost-benefit analysis is available by contacting Stephanie Frazee, P.O. Box 9046, Olympia, WA 98507-9046, phone 425-465-0313, fax 844-652-7096, TTY relay 711, email rules@esd.wa.gov, website <https://www.esd.wa.gov/newsroom/rulemaking/public-records-procedures>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 6, 2023.

Joy E. Adams, Acting Director
Employment System Policy and Integrity

OTS-4742.2

AMENDATORY SECTION (Amending WSR 20-21-071, filed 10/16/20, effective 11/16/20)

WAC 192-02-060 Making a request for public records. (1) To request access to public records of the department, or seek assistance in making such a request, contact the public records officer at:

Public Records Officer
P.O. Box 9046
Olympia, WA 98507-9046
Phone: 1-844-766-8930
Email: recordsdisclosure@esd.wa.gov

(2) Any person wishing to inspect or copy public records of the department shall make the request in writing to the public records officer through one of the following:

- (a) On the department's request form;
- (b) Through an online portal designated by the department for this purpose;
- (c) By letter mailed to the address listed in subsection (1) of this section;
- (d) By email sent to the address listed in subsection (1) of this section; or
- (e) By submitting the request in person at the address provided on the department's website.

(3) Public records request should include:

- (a) The name of requestor;
- (b) ~~((The address of requestor;~~
- ~~(c) Other))~~ Contact information, including telephone number and any email address;
- ~~((d))~~ (c) Identification of the public records adequate for the public records officer to locate the records; and
- ~~((e))~~ (d) The date and time of day of the request.

(4) 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.

(5) A records request form is available for use by requestors at the office of the public records officer and online at the department's website.

(6) If requestors refuse to identify themselves or provide sufficient contact information, the department will respond to the extent feasible and consistent with the law.

[Statutory Authority: RCW 42.56.100, 50.12.010, 50.12.040, 50.13.030, and chapter 50.13 RCW. WSR 20-21-071, § 192-02-060, filed 10/16/20, effective 11/16/20.]

AMENDATORY SECTION (Amending WSR 20-21-071, filed 10/16/20, effective 11/16/20)

WAC 192-02-130 Denials of requests. (1) A denial of a request for records will be accompanied by a written statement of the specific reasons therefor.

(2) If the department denies a requestor access to public records, the requestor may petition in writing to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement denying the request.

(3) The department shall promptly review a petition to review a denial of a public records request and either affirm or reverse the denial within two business days following the department's receipt of the petition or within such other time as the department and the requestor mutually agree to.

(4) If the department 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, pursuant to RCW 42.56.530. The attorney general has adopted rules on such requests in WAC 44-06-160.

~~((3))~~ (5) Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550.

[Statutory Authority: RCW 42.56.100, 50.12.010, 50.12.040, 50.13.030, and chapter 50.13 RCW. WSR 20-21-071, § 192-02-130, filed 10/16/20, effective 11/16/20.]