

Title 467 WAC

TRAFFIC SAFETY COMMISSION

Chapters

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Chapter 467-01 WAC PUBLIC RECORDS DISCLOSURE

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467-01-010 Description of organization.

WAC 467-01-010 Description of organization. (1) The Washington Traffic Safety Commission is a nine-member commission organized under the provisions of chapter 43.59 RCW, and under which the commission is to seek solutions to traffic problems caused by increases in motor vehicles on highways, plan and supervise accident prevention programs, coordinate state and local development of traffic safety programs, promote uniform enforcement of traffic safety laws and the establishment of standards for investigation and reporting of traffic accidents, and promote and improve driver education. The commission consists of the governor, as chairman; the superintendent of public instruction; the director of motor vehicles; the director of highways; the chief of the state patrol; the director of the department of social and health services; a representative of the association of Washington cities appointed by the governor; a member of the association of Washington counties appointed by the governor; and a representative of the judiciary appointed by the governor. The director of the Washington Traffic Safety Commission, appointed by the governor, serves as secretary to the commission and is responsible for carrying into effect the commission orders and rules and regulations promulgated by the commission. The director is also authorized to employ staff necessary to carry out the orders, rules and regulations of the commission. As secretary, the director coordinates the activities of the commission and supervises the work of the staff of the commission.

(2) Regular public meetings of the Washington Traffic Safety Commission are held quarterly in the governor's conference room, Legislative Building, Olympia, Washington, or at such other place named by the commission. The commission may deviate from the regular quarterly meeting schedule and hold special meetings as may be required at the discretion of the commission. Advance notice of such meetings is given in accordance with the provisions of chapter 42.30 RCW.

(3) Persons desiring to write the commission to obtain information or to make submissions or requests shall address their correspondence to: Washington Traffic Safety Commission, P.O. Box 1399, Olympia, Washington 98504.

(4) Persons desiring to be heard by and to make submissions to the commission orally shall submit requests for appointments in writing addressed to: Director, Washington Traffic Safety Commission, P.O. Box 1399, Olympia 98504. The writer shall identify the subject matter proposed for discussion. This paragraph shall not apply to hearings governed by specific provisions of law or other rule.

(5) The office of the director of the commission is in the Highways-Licenses Building, Olympia, Washington. [Order 1, § 467-01-010, filed 4/11/77.]

Chapter 467-02 WAC PUBLIC ACCESS TO INFORMATION AND RECORDS

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WAC 467-02-010 Purpose. The purpose of this chapter shall be to ensure compliance by the Washington Traffic Safety Commission with the provisions of chapter 1, Laws of 1973, and in particular with sections 25 through 32 of that act dealing with public records. [Order 1, § 467-02-010, filed 4/11/77.]

WAC 467-02-020 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 fiscal form or characteristic.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing and every other means of recording sounds, or symbols, or combination thereof,

and all papers, maps, magnetic or paper tapes, photographic films, magnetic or punchcards, discs, drums and other documents.

(3) "Commission" means the Washington Traffic Safety Commission. [Order 1, § 467-02-020, filed 4/11/77.]

WAC 467-02-030 Exempted records. In accordance with RCW 42.17.310, the following personal and other records shall be exempt from public inspection and copying:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probations or parolees.

(2) Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(4) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(5) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, except as the complainant may authorize.

(6) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.

(7) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(8) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(9) Preliminary drafts, notes, recommendations and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(10) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which

would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons. [Order 1, § 467-02-030, filed 4/11/77.]

WAC 467-02-040 Description of organization of Washington Traffic Safety Commission. Description of organization of the Washington Traffic Safety Commission is as provided for in Title 43.59 RCW and as set forth in WAC 467-01-010. [Order 1, § 467-02-040, filed 4/11/77.]

WAC 467-02-050 Public records officer. The Washington Traffic Safety Commission public records shall be in charge of the clerk typist III who shall be the public records officer for the commission. The person so designated shall be officed in the Highways-Licenses Building, Olympia, Washington. The public records officer shall be responsible for implementation of the commission's rules and regulations regarding release of public records, coordinating staff efforts of the commission in this regard, and generally ensuring compliance of the staff with the public records disclosure requirements of chapter 1, Laws of 1973. [Order 1, § 467-02-050, filed 4/11/77.]

WAC 467-02-060 Public records available. All public records of the Washington Traffic Safety Commission as defined in WAC 467-02-020 are deemed available for public inspection and copying pursuant to these rules, except as provided in WAC 467-02-030. [Order 1, § 467-02-060, filed 4/11/77.]

WAC 467-02-070 Requests for public records. Subject to the provisions of subsection (3) of this section, and in accordance with the 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 commission, public records are only obtainable by members of the public when those members of the public comply with the following procedures.

(1) A request shall be addressed to the public records officer. Such request shall include the following:

(a) The name of the person requesting the record.

(b) The time of day and calendar date on which the request was made.

(c) If the matter requested is referenced within the current index maintained by the Washington Traffic Safety Commission, a reference to the requested record as it is described in such current index.

(d) If the requested matter is not identifiable by reference to the Washington Traffic Safety Commission's current index, a statement that identifies the specific record requested.

(e) A verification that the records requested shall not be used to compile a commercial sales list.

(2) The public records officer shall inform the member of the public making the request whether the requested record is available for inspection or copying at the Highways-Licenses Building in Olympia, Washington.

(3) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the commission is also a party (or when such a request is made by or on behalf of an attorney for such a party) the request shall be referred to the assistant attorney general assigned to the commission for appropriate response. [Order 1, § 467-02-070, filed 4/11/77.]

WAC 467-02-080 Availability for public inspection and copying of public records—Office hours. Public records shall be available for inspection and copying during the customary office hours of the Washington Traffic Safety Commission. For the purposes of this chapter, the customary office hours shall be from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays. [Order 1, § 467-02-080, filed 4/11/77.]

WAC 467-02-090 Inspection and copying cost. (1) No fee shall be charged for inspection of public records.

(2) The Washington Traffic Safety Commission shall impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse the Washington Traffic Safety Commission for its actual costs incident to such copying. Actual costs shall include the labor costs of staff, machine cost and paper cost necessary to provide copies of requested records. [Order 1, § 467-02-090, filed 4/11/77.]

WAC 467-02-100 Protection of public records. In order to implement the provisions of section 29, chapter 1, Laws of 1973, requiring agencies to enact reasonable rules to protect public records from damage or disorganization, the following rules have been adopted.

(1) Copying of public documents shall be done by the Washington Traffic Safety Commission personnel and under the supervision of said personnel, upon the request of members of the public under the procedures set down in WAC 467-02-070.

(2) No document shall be physically removed by a member of the public from the area designated by the Washington Traffic Safety Commission for the public inspection of documents for any reason whatever.

(3) When a member of the public requests to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents which can be identified and supplied by themselves, the Washington Traffic Safety Commission shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by section 31, chapter 1, Laws of 1973, is contained therein, and the Washington Traffic Safety Commission shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of causing such

an inspection to be performed. [Order 1, § 467-02-100, filed 4/11/77.]

WAC 467-02-110 Denial of request. Each denial of a request for a public record shall be accompanied by a written statement to the person requesting the record clearly specifying the reasons 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. Such statement shall be sufficiently clear and complete to permit the director or his or her designee to review the denial in accordance with WAC 467-02-120. [Order 1, § 467-02-110, filed 4/11/77.]

WAC 467-02-120 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition the public records officer for prompt review of such decision by tendering 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) After receiving a written request for review of a decision denying a public record, if the public records officer determines to affirm the denial, then the written request shall immediately be referred to the assistant attorney general assigned to the commission. The assistant attorney general shall promptly 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 public records officer has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever first occurs. [Order 1, § 467-02-120, filed 4/11/77.]

WAC 467-02-130 Records index. (1) The commission has available to all persons at its offices in Olympia a current index which provides identifying information as to the following records issued, adopted or promulgated by the commission:

(a) Minutes of commission meetings, federal and state traffic safety legislation and proposed federal rules and regulations pertaining to highway safety standards;

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the commission;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others. [Order 1, § 467-02-130, filed 4/11/77.]

WAC 467-02-140 Availability. The current index promulgated by the commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order 1, § 467-02-140, filed 4/11/77.]