

of radioactivity contained; 7) expiration data, if applicable; and 8) specific concentration of radioactivity.

(9) The immediate container shall be labeled with: 1) the standard radiation symbol; 2) the words "caution-radioactive material"; 3) the name of the nuclear pharmacy; 4) the prescription number; 5) the name of the radiopharmaceutical; (6) the date; and (7) the amount of radioactive material contained in millicuries or microcuries.

(10) The amount of radioactivity shall be determined by radiometric methods for each individual preparation immediately prior to dispensing.

(11) Nuclear pharmacies may redistribute NDA approved radiopharmaceuticals if the pharmacy does not process the radiopharmaceuticals in any manner or violate the product packaging.

(12) The nuclear pharmacy shall have the current revisions of state laws and regulations of the state board of pharmacy and state radiation control agency.

(13) The nuclear pharmacy shall maintain a library commensurate with the level of radiopharmaceutical service to be provided. A detailed library listing shall be submitted to the state board of pharmacy and state radiation control agency before approval of the license. [Statutory Authority: RCW 18.64.005(9), 79-02-061 (Order 145, Resolution 1-79), § 360-54-030, filed 2/1/79.]

**WAC 360-54-040 Nuclear pharmacists.** In order for a pharmacist to qualify under these regulations as a nuclear pharmacist, he or she must:

(1) meet minimal standards of training and experience in the handling of radioactive materials in accordance with the requirements of the state radiation control agency; and,

(2) be a pharmacist licensed to practice in Washington; and,

(3) submit to the board of pharmacy either:

(a) certification that he or she has completed a minimum of 6 months on-the-job training under the supervision of a qualified nuclear pharmacist in a nuclear pharmacy providing radiopharmaceutical services, or

(b) certification that he or she has completed a nuclear pharmacy training program in an accredited college of pharmacy or

(c) that upon application to the board in affidavit form, and upon the furnishing of such other information as the board may require, the board may grant partial or equivalent credit for education and experience gained in programs not sponsored by an accredited college of pharmacy, if, in the opinion of the board, the education and experience gained by participants in these programs would provide the same level of competence as participation in a program at an accredited college of pharmacy; and

(4) receive a letter of notification from the board of pharmacy that the evidence submitted that the pharmacist meets the requirements of subsections 1, 2, and 3 above has been accepted by the board and that, based thereon, the pharmacist is recognized by the board as a nuclear pharmacist. [Statutory Authority: RCW

18.64.005(9), 79-02-061 (Order 145, Resolution 1-79), § 360-54-040, filed 2/1/79.]

**WAC 360-54-050 Minimum equipment requirements.** (1) Nuclear pharmacies shall have adequate equipment commensurate with the scope of radiopharmaceutical services to be provided. A detailed list of equipment and description of use must be submitted to the state board of pharmacy and radiation control agency before approval of the license.

(2) The state board of pharmacy may, for good cause shown, waive regulations pertaining to the equipment and supplies required for nuclear pharmacies handling radiopharmaceuticals exclusively. [Statutory Authority: RCW 18.64.005(9), 79-02-061 (Order 145, Resolution 1-79), § 360-54-050, filed 2/1/79.]

## Title 365 WAC

### PLANNING AND COMMUNITY AFFAIRS AGENCY

#### Chapters

365-26	Regulations regarding advanced financial support payments for the development of comprehensive transit plans.
365-40	Rules and regulations regarding state funding of local head start programs.
365-41	Regulations regarding advanced financial support payments for the conduct of public transportation feasibility studies.
365-43	Regulations regarding pass-through of U.S. Urban Mass Transportation Administration funds for public transportation technical studies.
365-50	Criminal records.
365-55	Washington state weatherization assistance program for low-income persons.
365-60	Rules and regulations regarding state administration of the local Section 8 housing assistance payments program.

#### Chapter 365-26 WAC

### REGULATIONS REGARDING ADVANCED FINANCIAL SUPPORT PAYMENTS FOR THE DEVELOPMENT OF COMPREHENSIVE TRANSIT PLANS

#### WAC

365-26-010 through 365-26-310 Repealed.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

365-26-010	General purpose and applicability. [Order 75-5, § 365-26-010, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
365-26-015	Definitions. [Order 75-5, § 365-26-015, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order

- 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-110 Application for advanced financial support payment. [Order 75-5, § 365-26-110, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-120 Office response to application. [Order 75-5, § 365-26-120, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-130 Conditions of advanced financial support payments. [Order 75-5, § 365-26-130, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-200 Required elements of comprehensive transit plan. [Order 75-5, § 365-26-200, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-210 Capital improvements element. [Order 75-5, § 365-26-210, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-220 Level of service element. [Order 76-05, § 365-26-220, filed 11/17/76; Order 75-5, § 365-26-220, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-230 System funding for initial year of operation element. [Order 76-05, § 365-26-230, filed 11/17/76; Order 75-5, § 365-26-230, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-240 System of funding for the second through fifth years of operation element. [Order 75-5, § 365-26-240, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-250 Relation to nearby transit operations element. [Order 76-05, § 365-26-250, filed 11/17/76; Order 75-5, § 365-26-250, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-260 Prospects for geographic expansion of service area element. [Order 75-5, § 365-26-260, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-270 Minorities, elderly, handicapped, and low income people transportation service element. [Order 75-5, § 365-26-270, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-280 Citizen participation element. [Order 75-5, § 365-26-280, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-290 Coordinated planning element. [Order 75-5, § 365-26-290, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-300 Submission of comprehensive transit plans to agency. [Order 75-5, § 365-26-300, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-26-310 Review of comprehensive transit plan of public transportation benefit area. [Order 75-5, § 365-26-310, filed 12/31/75, 4:25 p.m.] Repealed by 80-01-030 (Order 43), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.

**WAC 365-26-010 through 365-26-310 Repealed.**  
See Disposition Table at beginning of this chapter.

## Chapter 365-40 WAC

### RULES AND REGULATIONS REGARDING STATE FUNDING OF LOCAL HEAD START PROGRAMS

#### WAC

- 365-40-010 Purpose and authority.  
365-40-020 Definitions.  
365-40-030 Repealed.  
365-40-031 Establishment of advisory council.  
365-40-040 Repealed.  
365-40-041 Financial support application process.  
365-40-050 Repealed.  
365-40-051 Eligibility criteria.  
365-40-060 Repealed.  
365-40-061 Allowed and forbidden uses of state head start funds.  
365-40-071 Method of payment and reporting requirements.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 365-40-030 Financial support application process. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-40-030, filed 10/25/78.] Repealed by 79-08-050 (Order 79-02), filed 7/20/79. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW.
- 365-40-040 Eligibility criteria. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-04-040 (codified as WAC 365-40-040), filed 10/25/78.] Repealed by 79-08-050 (Order 79-02), filed 7/20/79. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW.
- 365-40-050 Allowed and forbidden uses of state head start funds. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-40-050, filed 10/25/78.] Repealed by 79-08-050 (Order 79-02), filed 7/20/79. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW.
- 365-40-060 Method of payment. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-40-060, filed 10/25/78.] Repealed by 79-08-050 (Order 79-02), filed 7/20/79. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW.

**WAC 365-40-010 Purpose and authority.** (1) The purpose of this chapter is to outline the conditions and procedures under which state funds will be made available for Head Start programs.

(2) This activity is undertaken pursuant to RCW 43.06.110 and chapter 43.63A RCW. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-40-010, filed 10/25/78.]

**WAC 365-40-020 Definitions.** (1) "Applicant" means a unit of local government or combination thereof, or a qualified private organization which applies for state Head Start funds.

(2) "Contractor" means an applicant which has been allocated state Head Start funds and which has entered into a contract to carry out a Head Start program.

(3) "Director" means the director of the planning and community affairs agency (hereafter, the agency).

(4) "Head Start program" means an operation undertaken in accordance with the program performance standards set forth in the OCD-HS HEAD START POLICY MANUAL (OCD Notice N-30-364-4)

"Head Start Program Performance Standards," published by the United States department of health, education, and welfare July, 1975. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-40-020, filed 10/25/78.]

**WAC 365-40-030 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 365-40-031 Establishment of advisory council.** "State head start advisory council" is established under authority of RCW 43.63A.130 to advise the agency in the administration of the state head start program and on issues affecting actual or potential participants in head start programs. Members are recommended to the director by the Washington state head start parents council and the Washington head start directors association and other groups involved with head start, including Indian and migrant programs. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-031, filed 7/20/79.]

**WAC 365-40-040 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 365-40-041 Financial support application process.** (1) Each potential applicant will be notified by the agency that application for state head start financial assistance is to be made to the agency.

(2) An applicant must make formal application in the form and manner specified by the agency. Such application shall be for the period July 1-June 30 of each fiscal year. Failure of an applicant to make application in a timely manner, within 45 days of receipt of application notice and application form from the agency, will result in no state Head Start funds being allocated.

(3) Applications for state head start funds shall contain the following information, in detail:

(a) A description of the services to be provided or activities proposed to be undertaken by the applicant consistent with the provisions of WAC 365-40-051 and 365-40-061.

(b) A budget specifying intended uses of state head start funds.

(c) An explanation of how the applicant will monitor the use of state funds to assure that provisions of the approved contract are being met.

(4) The agency shall provide a contract for signature to the applicant or a request for additional information within thirty days of receipt of the completed application from the applicant. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-041, filed 7/20/79.]

**WAC 365-40-050 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 365-40-051 Eligibility criteria.** In order to receive head start funds, a contractor must provide services to families and individuals eligible according to

federal head start guidelines who are in need of skills, knowledge, opportunities and motivation to become economically self-sufficient. Each head start program must be designed to improve the health and general well-being of the children involved, develop their mental processes, and enhance their conceptual and verbal skills. Head start funds may be used only for activities which result in direct and measurable services to head start program children. State head start funds are allocated by a formula recommended by the state head start advisory council and approved by the director. This formula shall be reviewed annually by the state head start advisory council. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-051, filed 7/20/79.]

**WAC 365-40-060 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 365-40-061 Allowed and forbidden uses of state head start funds.** (1) Allowable uses of state head start funds include but are not limited to:

(a) Purchase of supplies to be consumed by head start program children.

(b) Payment of salaries for nonadministrative personnel such as full or part-time teachers or specialists in speech, hearing, hygiene, reading, etc.

(c) Purchases under contract of medical or dental services for head start children.

(2) Forbidden uses of head start funds include but are not limited to:

(a) Payment of salaries for administrative personnel such as program directors, assistant directors, bookkeepers, secretaries, etc.

(b) Payment of administrative support expenses such as postage, telephone, travel, utilities, and equipment.

(c) Purchase of nonexpendable equipment with an original cost of \$100 or more and a useful life of at least one year. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-061, filed 7/20/79.]

**WAC 365-40-071 Method of payment and reporting requirements.** (1) State head start funds will be paid in accordance with the provisions of the applicable contract and these regulations.

(2) All contracts will provide for monthly or quarterly expenditure reimbursement, with vouchers submitted within fifteen days of the end of each quarter or month, as appropriate.

(a) At the time of application the applicant shall state whether vouchers will be submitted on a quarterly or monthly basis.

(b) If vouchers are not submitted in a timely manner, the agency may recapture unclaimed funds.

(c) If a contractor fails to file a claim for expense reimbursement within any six month period, the agency may elect to terminate the contract.

(3) If an intended use is not allowable under these rules or the approved contract, the voucher will not be paid.

(4) The agency will notify the contractor within ten days of its discovery of any deficiency and of the need to take corrective action.

(5) In the event corrective action is not taken within thirty days, the contract will be terminated. Funds allocated to the contractor may be subject to redistribution upon termination of any contract.

(6) By agreement between the agency and the contractor, the provisions of the contract may be amended.

(7) Quarterly reports to the agency to assure that funds are being expended for purposes authorized in the approved contract are required in a format approved by the agency.

(8) The contractor shall submit an annual audit of funds provided under this rule by an independent auditor using standard accepted auditing techniques. Such audit may be that conducted for and provided to other funding sources. [Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-071, filed 7/20/79.]

- 365-41-240 Alternative management schemes. [Order 77-04, § 365-41-240, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-250 Alternative funding sources. [Order 77-04, § 365-41-250, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-300 Submission of feasibility study to agency. [Order 77-04, § 365-41-300, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-310 Submission of municipal resolution to agency. [Order 77-04, § 365-41-310, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-320 Submission of municipal ordinance levying and collecting taxes to agency. [Order 77-04, § 365-41-320, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.

**WAC 365-41-010 through 365-41-320 Repealed.**  
See Disposition Table at beginning of this chapter.

#### Chapter 365-41 WAC

### REGULATIONS REGARDING ADVANCED FINANCIAL SUPPORT PAYMENTS FOR THE CONDUCT OF PUBLIC TRANSPORTATION FEASIBILITY STUDIES

#### WAC

365-41-010 through 365-41-320 Repealed.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 365-41-010 General purpose and applicability. [Order 77-04, § 365-41-010, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-015 Definitions. [Order 77-04, § 365-41-015, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-110 Application for advanced financial support payment. [Order 77-04, § 365-41-110, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-120 Agency response to application. [Order 77-04, § 365-41-120, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-130 Conditions of advanced financial support payments. [Order 77-04, § 365-41-130, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-200 Required elements of feasibility study. [Order 77-04, § 365-41-200, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-210 Geographical extent. [Order 77-04, § 365-41-210, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-220 Identification of related transportation operations. [Order 77-04, § 365-41-220, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.
- 365-41-230 Estimation of need. [Order 77-04, § 365-41-230, filed 8/10/77.] Repealed by 79-12-035 (Order 40), filed 11/20/79. Statutory Authority: RCW 47.01.121.

#### Chapter 365-43 WAC

### REGULATIONS REGARDING PASS-THROUGH OF U.S. URBAN MASS TRANSPORTATION ADMINISTRATION FUNDS FOR PUBLIC TRANSPORTATION TECHNICAL STUDIES

#### WAC

365-43-010 through 365-43-200 Repealed.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 365-43-010 General purpose and applicability. [Order 77-03, § 365-43-010, filed 8/19/77, effective 9/19/77.] Repealed by 80-01-031 (Order 45), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-43-015 Definitions. [Order 77-03, § 365-43-015, filed 8/19/77, effective 9/19/77.] Repealed by 80-01-031 (Order 45), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-43-110 Application for technical study grant. [Order 77-03, § 365-43-110, filed 8/19/77, effective 9/19/77.] Repealed by 80-01-031 (Order 45), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-43-120 Agency response to application. [Order 77-03, § 365-43-120, filed 8/19/77, effective 9/19/77.] Repealed by 80-01-031 (Order 45), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.
- 365-43-200 Application prioritization criteria. [Order 77-03, § 365-43-200, filed 8/19/77, effective 9/19/77.] Repealed by 80-01-031 (Order 45), filed 12/17/79. Statutory Authority: RCW 47.01.101 and 47.01.121.

**WAC 365-43-010 through 365-43-200 Repealed.**  
See Disposition Table at beginning of this chapter.

#### Chapter 365-50 WAC CRIMINAL RECORDS

#### WAC

- 365-50-010 General applicability.
- 365-50-020 Definitions.
- 365-50-030 Separation of information.
- 365-50-040 Deferred prosecutions.
- 365-50-050 Convictions under appeal or review.

365-50-060	Certification of criminal justice agencies.
365-50-070	Inspection—Individual's right to review record.
365-50-080	Inspection—Forms to be made available.
365-50-090	Inspection—Identification of requester.
365-50-100	Inspection—Timeliness and manner of agency response.
365-50-110	Inspection—Time allowed for review.
365-50-120	Inspection—Retention or reproduction of records.
365-50-130	Inspection—Prevention of unauthorized retention or reproduction.
365-50-140	Inspection—Designation of person to assist in review.
365-50-150	Inspection—Statement of procedures to be available.
365-50-160	Inspection—Procedure for correctional or detention agencies.
365-50-170	Deletion—Individual's right to have certain information deleted.
365-50-180	Deletion—Agency option to refuse to delete.
365-50-190	Deletion—Policies to be adopted.
365-50-200	Deletion—Inquiries required.
365-50-210	Challenge—Individual's right to challenge.
365-50-220	Challenge—Forms to be made available.
365-50-230	Challenge—Forwarding of challenge to appropriate agency.
365-50-240	Challenge—Agency to make determination.
365-50-250	Correction of erroneous information.
365-50-260	Review of refusal to alter record.
365-50-270	Dissemination—Dispositions to be included.
365-50-280	Dissemination—Inquiry of prosecutor required.
365-50-290	Dissemination—To implement a statute or other grant of authority.
365-50-300	Dissemination pursuant to contract for services.
365-50-310	Dissemination—Research purposes.
365-50-320	Dissemination—Record of disseminations to be maintained.
365-50-330	Dissemination—Fees.
365-50-340	Protection from accidental loss or injury.
365-50-350	Protection against unauthorized access.
365-50-360	Personnel security.
365-50-370	Personnel training.
365-50-380	Personnel clearances.
365-50-390	Auditing of CHRI systems.
365-50-400	Establishment of procedures.
365-50-500	Form of request to inspect record.
365-50-510	Form of request to modify record.
365-50-520	Form of request to review refusal to modify record.
365-50-530	Appendix III to state of Washington plan for security and privacy of criminal offender records.
365-50-540	Certification request form for criminal justice agencies seeking access to criminal offender record information.
365-50-550	Certification request form for noncriminal justice agencies seeking access to criminal offender record information.
365-50-560	Contract for support services model agreement under WAC 365-50-300.

**WAC 365-50-010 General applicability.** The regulations in this chapter shall apply to state and local criminal justice agencies in the state of Washington, that collect, and maintain, or disseminate criminal history record information. The regulations shall also apply to criminal justice or other agencies outside the jurisdiction of the state of Washington, for the purpose of the dissemination of criminal history record information to other agencies by state of Washington criminal justice agencies. The provisions of chapter 314, 1977 ex. sess., chapter 10.97 RCW, do not generally apply to the courts and court record keeping agencies. The courts and court record keeping agencies have the right to require and receive criminal history record information from criminal justice agencies. The regulations are intended to cover all criminal justice records systems that

contain criminal history record information, whether the systems are manual or automated. Chapter 314, Laws of 1977 ex. sess., chapter 10.97 RCW, defines the rights and privileges relating to criminal history record information and should not be interpreted to redefine or amend rights or privileges relevant to any other kinds of records or information. [Statutory Authority: RCW 10.97.080, 78-03-065 (Order 78-01), § 365-50-010, filed 2/22/78.]

**WAC 365-50-020 Definitions.** (1) "Criminal history record information" has the meaning set forth in RCW 10.97.030(1), and shall consist of the following information, pertaining to criminal offenders regardless of the kinds of files or records in which the information is contained:

(a) The individual subject's name and other specific identifiable notations.

(b) The date and place of arrest, detention or charge and any disposition therefrom;

(c) The name of the agency which made the arrest or otherwise initiated the subject's contact with the criminal justice system.

(2) "Records collected by" or "records maintained by" a criminal justice agency means (a) records directly generated or collected by that agency in the performance of its official functions, and (b) records properly obtained from another agency but retained by a criminal justice agency in the normal course of its business, and includes federal, state, or local rap sheets from wherever obtained if they are in the possession of the agency.

Criminal history records information does not include intelligence and investigative information.

Criminal justice information that does not identify particular individuals is not criminal history record information.

(3) "Nonconviction data" has the meaning set forth in RCW 10.97.030(2), and includes police decisions where an arrest is made not to refer a case to the prosecutor, prosecutorial decisions not to charge, dismissals (except dismissals following a period of probation, or suspension or deferral of sentence), acquittals, and arrest information without disposition if more than one year has elapsed since arrest, citation, or service of warrant and the prosecutor has not certified in writing that proceedings are still pending.

(4) "Conviction or other disposition adverse to the subject" has the meaning set forth in RCW 10.97.030(4).

(5)(a) "Criminal justice agency" has the meaning set forth in RCW 10.97.030(5). "Government agency" includes a state or local agency an agency of the federal government or of another state (for the purpose of disseminating criminal history record information to another agency), if the agency allocates a substantial part of its annual budget to, and has as its primary function, the administration of criminal justice.

(b) The following agencies shall be considered criminal justice agencies for the purpose of chapter 10.97 RCW and these regulations:

(i) The Washington state patrol, including the state identification section;

(ii) Federal, state and local law enforcement, prosecutorial or correctional programs, agencies, or departments;

(iii) Courts at any level, if they exercise criminal jurisdiction (Note the general applicability of chapter 314, Laws of 1977 ex. sess. chapter 10.97 RCW, to courts set forth in WAC 365-50-010);

(iv) The adult corrections division of the department of social and health services as specified in chapter 72.02 RCW, including institutions as specified in chapter 72.01 RCW and probation and parole services as specified in chapter 72.04A RCW;

(v) The board of prison terms and paroles;

(vi) The liquor control board as specified in RCW 66.44.010.

(vii) An agency that has been certified as a criminal justice agency pursuant to WAC 365-50-060.

(6) "The administration of criminal justice" has the meaning set forth in RCW 10.97.030(6), but does not include crime prevention activities (if that is the sole function of the program or agency) and does not include criminal defense activities.

(7) "Disposition" has the meaning set forth in RCW 10.97.030(7).

(8) "Dissemination" has the meaning set forth in RCW 10.97.030(8).

(a) Confirming the existence or nonexistence of criminal history record information is a dissemination.

(b) Disclosing criminal history record information to the subject of the record containing that information is a dissemination.

(c) The furnishing of information by one criminal justice agency to another for the purpose of processing a matter through the criminal justice system is not a dissemination as long as the information relates solely to the criminal case in process.

(d) Disclosing information within a criminal justice agency or subunit thereof is not a dissemination.

(9) "Juvenile justice agency," for the purpose of RCW 10.97.050(3), means (a) a juvenile court, or (b) a governmental agency or subunit thereof which devotes a substantial portion of its annual budget to, and has as a primary function, the administration of juvenile justice.

(10) "State planning agency" shall mean that agency designated by WAC 365-31-010 and Executive Order 75-04 to fulfill the functions established by 42 USC Section 3701, the Omnibus Crime Control and State Streets Act of 1968 as amended. (Also referred to as "the SPA.") [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-020, filed 2/22/78.]

**WAC 365-50-030 Separation of information.** When a file or record contains criminal history record information combined with other kinds of information that is not subject to disclosure, the criminal history record information may be separated from the other information in response to a request to review or receive criminal history record information, unless a federal, state, or local rap sheet is available that would satisfy the request.

Each criminal justice agency shall adopt procedures for making such separations when necessary. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-030, filed 2/22/78.]

**WAC 365-50-040 Deferred prosecutions.** A deferred prosecution or similar diversion of an alleged offender does not become nonconviction data until there is a final decision to dismiss charges or not to prosecute. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-040, filed 2/22/78.]

**WAC 365-50-050 Convictions under appeal or review.** A conviction followed by an appeal or other court review may be treated as conviction information or as information pertaining to an incident for which a subject is currently being processed by the criminal justice system until such time as the conviction is reversed, vacated, or otherwise overturned by a court, but notations of pending appeals or other court review shall be included as a part of a person's criminal record if the agency disseminating the record has knowledge of the proceedings. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-050, filed 2/22/78.]

**WAC 365-50-060 Certification of criminal justice agencies.** An agency not defined as a criminal justice agency by WAC 365-50-020(5)(b)(i-vi) that asserts a right to receive criminal history record information based on its status as a criminal justice agency shall show satisfactory evidence of its certification as a criminal justice agency prior to receiving such information. The state planning agency shall certify such an agency, based on a showing that the agency devotes a substantial portion of its annual budget to, and has as a primary function, the administration of criminal justice. The state planning agency shall keep a current list, of all agencies that have been certified as criminal justice agencies. Agencies which assert their right to be certified as a criminal justice agency shall submit a written request for certification to the SPA on the form provided under WAC 365-50-540.

The application shall include documentary evidence which establishes eligibility for access to criminal history information.

The SPA shall make a finding in writing on the eligibility or noneligibility of the applicant. The written finding together with reasons for the decisions shall be sent to the applicant. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-060, filed 2/22/78.]

**WAC 365-50-070 Inspection--Individual's right to review record.** Every criminal justice agency shall permit an individual who is, or believes he may be, the subject of a criminal record maintained by that agency to come to the agency during its normal business hours and request to inspect said criminal history record. Criminal justice agency has the meaning set forth in WAC 365-50-020(5)(a) and shall include regional or branch offices of state or local criminal justice agencies including

the Washington state patrol. If such agency or its regional or branch office does not have the facilities or capability to process such requests, the individual shall be referred to the nearest criminal justice agency having such facilities or capability, which agency shall process the individual's request. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-070, filed 2/22/78.]

**WAC 365-50-080 Inspection--Forms to be made available.** The criminal justice agency shall make available a request form to be completed by the person who is the subject of the criminal record. The form shall be substantially equivalent to that set forth in WAC 365-50-500. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-080, filed 2/22/78.]

**WAC 365-50-090 Inspection--Identification of requester.** Each criminal justice agency shall adopt rules pursuant to RCW 10.97.080. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-090, filed 2/22/78.]

**WAC 365-50-100 Inspection--Timeliness and manner of agency response.** (1) A criminal justice agency shall respond to a request to review by the subject of a criminal record as soon as administratively convenient, but in no event later than ten business days from the date of the receipt of the request.

(2) If the information requested concerns felonies, gross misdemeanors where the subject arrested was taken into custody, or any other offenses for which fingerprints would be submitted to the identification section of the Washington state patrol, the agency shall respond in the following manner, unless one of the exceptions in RCW 10.97.040(1) through (5) applies;

(a) The criminal justice agency receiving the request shall, without unnecessary delay, forward the request to the identification section of the Washington state patrol for processing.

(b) At the identification section, the request shall be processed and a copy of any criminal history record information in the files of the identification sections relating to the individual requester shall be forwarded to the criminal justice agency submitting the request to the identification section.

(c) Upon receipt by the criminal justice agency of the requester's criminal history record information from the identification sections, the agency shall, without unnecessary delay, notify the requester at his designated address or telephone number that the requested information is available for review.

(d) Upon notification by the criminal justice agency, the person who is the subject of the criminal history record may come to the agency during its normal business hours for the purpose of reviewing the record.

(3) If the information requested concerns misdemeanors, gross misdemeanors where the subject arrested was not taken into custody, or any offenses for which fingerprints were not in fact submitted to the identification section, or if the agency does not have, and is not willing

to obtain a state identification section rap sheet, the agency shall respond by disclosing the identifiable descriptions and notations of arrests, charges, and dispositions that are contained in the files of the agency. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-100, filed 2/22/78.]

**WAC 365-50-110 Inspection--Time allowed for review.** A reasonable period of time shall be allowed each individual to examine criminal history record information pertaining to himself for purposes of determining its accuracy and completeness or the legality of its maintenance. Unless the subject of the record clearly indicates that less time is sufficient, a reasonable period of time shall mean at least thirty minutes. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-110, filed 2/22/78.]

**WAC 365-50-120 Inspection--Retention or reproduction of records.** No subject of a record shall be allowed to retain or mechanically reproduce any nonconviction data except for the purpose of challenge or correction when the subject of the criminal history record information asserts his belief in writing that such information regarding himself is inaccurate, incomplete, or maintained in violation of law. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-120, filed 2/22/78.]

**WAC 365-50-130 Inspection--Prevention of unauthorized retention or reproduction.** Each criminal justice agency shall develop procedures to insure that improper retention or mechanical reproduction of nonconviction data by any subject of a record does not occur. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-130, filed 2/22/78.]

**WAC 365-50-140 Inspection--Designation of person to assist in review.** Any subject of a record entitled to examine criminal history record information pertaining to himself may designate another person of his choice to assist him in reading, interpreting, or otherwise reviewing his criminal record. The subject about whom the information pertains shall indicate, on the form provided by the agency pursuant to WAC 365-50-090, his consent to the inspection of criminal history record information pertaining to himself by the other person. The agency may also require the other person to sign the form. The designated person shall then be permitted to assist the subject of the criminal record in reviewing criminal history record information pertaining to the subject. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-140, filed 2/22/78.]

**WAC 365-50-150 Inspection--Statement of procedures to be available.** Every criminal justice agency that maintains criminal history record information shall prominently display and make available to the public a statement which informs the public that criminal history record information is maintained by that agency and that individuals have the right to review criminal history

record information pertaining to themselves and to challenge its accuracy, completeness, or the legality of its maintenance. The statement shall also set forth in summary form, the procedure for obtaining access to such information for the purpose of review and shall state the fact that there exist procedures for administrative review of a refusal by the agency to correct, complete, or delete criminal history record information challenged by the individual. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-150, filed 2/22/78.]

**WAC 365-50-160 Inspection--Procedure for correctional or detention agencies.** Any state or local correctional or detention facility in the state of Washington having access to the identification section of the Washington state patrol shall permit an individual in custody in that facility to request to review any criminal history record information pertaining to himself maintained by the identification section. The correctional or detention facility shall follow the procedures set forth for law enforcement agencies in WAC 365-50-100. The identification section shall likewise follow the procedures set forth in WAC 365-50-100. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-160, filed 2/22/78.]

**WAC 365-50-170 Deletion--Individual's right to have certain information deleted.** A person who is the subject of criminal history record information consisting of nonconviction data only may request that such information be deleted from his file in accordance with the provisions of RCW 10.97.060. If two years or longer have elapsed since the record became nonconviction data as a result of the entry of a disposition favorable to the defendant, or if three years or longer have elapsed from the date of arrest or issuance of a citation or warrant for an offense for which a conviction was not obtained, unless the person is a fugitive or the case is under active prosecution, the nonconviction data shall be deleted upon the request of the subject of the record. If the case is under active prosecution, the prosecuting attorney shall so certify in writing to the agency that is the object of the request to delete. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-170, filed 2/22/78.]

**WAC 365-50-180 Deletion--Agency option to refuse to delete.** The criminal justice agency maintaining the information may refuse to make the deletion if: (1) The disposition was a deferred prosecution or similar diversion of the alleged offender; which has not become nonconviction data under 365-50-040; (2) the person who is the subject of the record has had a prior conviction for a felony or gross misdemeanor; or (3) the individual who is the subject of the record has been arrested for or charged with another crime during the intervening period. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-180, filed 2/22/78.]

**WAC 365-50-190 Deletion--Policies to be adopted.** Every criminal justice agency that maintains files that

are available and generally searched for the purpose of responding to inquiries concerning the criminal history of a named or otherwise identified individual shall adopt policies to implement RCW 10.97.060. Such policies shall be designed to structure the discretionary power of the agency to refuse to delete nonconviction data under RCW 10.97.060(1) through (3), and shall be available for inspection by the public. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-190, filed 2/22/78.]

**WAC 365-50-200 Deletion--Inquiries required.** Every criminal justice agency which is the object of a request to delete nonconviction data shall inquire of the identification section of the Washington state patrol to determine whether one of the exceptions of RCW 10.97.060(1) through (3) applies. The agency shall also make inquiry of its local criminal history record information summary (local rap sheet), if one exists, or of the local prosecutorial agency, for the same purpose and to determine whether the case is under active prosecution. If none of the exceptions of RCW 10.97.060 apply the agency shall delete the nonconviction data. When an agency makes a deletion in the criminal history record information, the state identification section of the Washington state patrol shall be notified of the deletion so their files may be corrected. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-200, filed 2/22/78.]

**WAC 365-50-210 Challenge--Individual's right to challenge.** A subject seeking to challenge the accuracy, completeness, or the legality of the maintenance of any part of the criminal history record information pertaining to himself shall do so in writing, clearly identifying that information which he asserts to be inaccurate, incomplete, or maintained in violation of law. A subject may initiate a challenge at the agency where he is reviewing his criminal record by completing a form made available by that agency. It will be the agency's responsibility to supply the form and address of the agency whose record the subject is challenging. This includes only Washington state records. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-210, filed 2/22/78.]

**WAC 365-50-220 Challenge--Forms to be made available.** Every criminal justice agency which maintains criminal history record information or which authorizes individuals to use its facilities for the purpose of reviewing criminal history record information pertaining to those individuals shall make available forms to be used by individuals in challenging their criminal records. Such forms shall be substantially equivalent to that set forth in WAC 365-50-510. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-220, filed 2/22/78.]

**WAC 365-50-230 Challenge--Forwarding of challenge to appropriate agency.** Upon receipt of a written

challenge, the agency receiving the challenge shall forward a copy of the challenge to each agency which originally submitted the criminal history record information being challenged, together with a copy of that portion of the criminal history record that has been challenged (including, where practical, a copy of the information as originally submitted by the originating agency). If the information challenged was received directly from an originating agency and is contained in a record maintained by the agency receiving the challenge, the agency receiving the challenge shall examine its own records to ensure that such information was correctly recorded before forwarding the challenge to the originating agency. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-230, filed 2/22/78.]

**WAC 365-50-240 Challenge--Agency to make determination.** The agency which originally submitted the criminal history record information being challenged shall:

(1) Not later than ten business days after receiving the written challenge, acknowledge receipt of the challenge in writing; and

(2) Promptly, but in no event later than ten business days after acknowledging receipt of the challenge, either

(a) make any correction of any portion of the criminal history record information which the person challenging such information has designated as being inaccurate, incomplete, or maintained in violation of law, or

(b) inform the person challenging the criminal history record information, in writing, of the refusal of the agency which originated such information to amend the record in accordance with his challenge, the reason for the refusal, and the procedures established for review of that refusal. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-240, filed 2/22/78.]

**WAC 365-50-250 Correction of erroneous information.** (1) An individual whose criminal history record has been challenged and corrected shall be provided with the names of all noncriminal justice agencies or persons to which the incorrect information has been disseminated. The originating agency must send information correcting the previously incorrect information to every criminal justice and noncriminal justice agency and persons to which the previously incorrect information was disseminated. This obligation shall be limited to disseminations made within one year of the date on which the challenge was initiated.

(2) Every criminal justice agency maintaining criminal history record information within the state shall adopt a procedure which, when significant information in a criminal history record maintained on an individual is determined to be inaccurate, leads to the dissemination of corrected information to every criminal justice and noncriminal justice agency and subject to which, the prior erroneous information was disseminated within the preceding one year. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-250, filed 2/22/78.]

**WAC 365-50-260 Review of refusal to alter record.** A person who is the subject of a criminal record and who disagrees with the refusal of the agency maintaining or submitting the record to correct, complete, or delete the record, may request a review of the refusal within twenty business days of the date of receipt of such refusal. The request for review shall be in writing, and shall be made by the completion in a form substantially equivalent to that set forth in WAC 365-50-520. If review is requested, not later than thirty business days from the date on which the individual requested review, the head of the agency whose record or submission has been challenged shall complete the review and make a final determination of the challenge, unless, for good cause, the head of the agency extends the thirty day period. The thirty day period may be extended for a maximum of another thirty days. If the head of the agency determines that the challenge should not be allowed, he shall state his reasons in a written decision, a copy of which shall be provided to the subject of the record. Denial by the agency head constitutes a final decision under RCW 34.04.130. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-260, filed 2/22/78.]

**WAC 365-50-270 Dissemination--Dispositions to be included.** The requirements of (RCW 10.97.040) are effective as of January 1, 1978.

(1) No criminal justice agency shall disseminate criminal history record information pertaining to arrests or other formal criminal charges made after December 31, 1977 unless the record disseminated states the disposition of such arrests or charges to the extent that dispositions have been made at the time of the request for the information. Such disseminations are subject to the proviso set forth in paragraph I of RCW 10.97.040.

(2) No criminal justice agency shall disseminate criminal history record information concerning a felony or gross misdemeanor without first making inquiry of the identification section of the Washington State Patrol for the purpose of obtaining the most current and complete information available unless one of the exceptions of RCW 10.97.040(1) through (5) applies. Predissemination query of the state identification section is required regardless of the date the record was made and regardless of whether a conviction was obtained. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-270, filed 2/22/78.]

**WAC 365-50-280 Dissemination--Inquiry of prosecutor required.** If an arrest record reveals that no disposition has occurred, and more than one year has elapsed since the date of the arrest, citation, or service of a warrant, a criminal justice agency shall make inquiry of the prosecuting authority in whose jurisdiction the arrest occurred to determine whether proceedings are in fact still pending prior to making a dissemination. If proceedings are still pending, the prosecuting authority shall so certify in writing. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-280, filed 2/22/78.]

**WAC 365-50-290 Dissemination--To implement a statute or other grant of authority.** (1) Criminal history record information which includes nonconviction data may be disseminated to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to nonconviction data and which authorizes or directs that it be available or accessible for a specific purpose. A criminal justice agency shall demand satisfactory proof of certification from the state planning agency of the requesting individual's or agency's authority to receive the information prior to any dissemination.

(2) The state planning agency shall compile a list, to be updated annually, of noncriminal justice agencies authorized to receive nonconviction data along with copies of statutes, ordinances or other grants of authority. All criminal justice agencies shall refer to these lists in making disseminations pursuant to such authority.

The state planning agency shall identify, in that listing the specific purpose, for which the agency is authorized to receive criminal history information, which includes nonconviction data, on the basis of a need to know such information in the performance of its official duties. Noncriminal justice agencies shall be required to present evidence of such authorization before dissemination is made. The form prescribed in WAC 365-50-550 may be used for this purpose.

(3) Criminal justice agencies that receive state rap sheets from the identification section of the Washington state patrol may disseminate them further, but only to the same extent to which the identification section itself would be authorized to make a dissemination in the first instance. Nonconviction data based on an incident that arose in the jurisdiction of the agency about to make the dissemination is not subject to this restriction, if the agency is otherwise authorized to disseminate such information. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-290, filed 2/22/78.]

**WAC 365-50-300 Dissemination pursuant to contract for services.** (1) Criminal history record information which includes nonconviction data may be disseminated pursuant to a contract to provide services, as set forth in RCW 10.97.050(5). The contract must contain provisions giving notice to the individual or agency to which the information is to be disseminated that the use of such information is subject to the provisions of chapter 10.97 RCW and these regulations, and federal statutes and regulations, which shall be cited with express reference to the penalties provided for a violation thereof.

(2) A criminal justice agency using an information system that contains criminal history record information, and that is controlled and managed by a noncriminal justice agency, the noncriminal justice agency may disseminate criminal history record information only as authorized by the criminal justice agency. Authorization shall be established in a contract between the criminal justice agency and the noncriminal justice agency providing the management service or support. Any criminal justice agency entering a contract with a noncriminal justice agency shall require that the noncriminal justice

agency and personnel who utilize CHRI, meet the same physical security, and personnel standards as set forth by the SPA under RCW 10.97.090[.]

All programs, tapes, source documents, listings, and other developmental or related data processing information containing, or permitting any person to gain access to, criminal history record information, and all personnel involved in the development, maintenance, or operation of an automated information system containing criminal history record information are subject to the requirements of RCW 10.97.050(5) and these regulations. A statement to this effect shall also be included in the contract. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-300, filed 9/18/78; 78-03-065 (Order 78-01), § 365-50-300, filed 2/22/78.]

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 365-50-310 Dissemination--Research purposes.** (1) Criminal history record information which includes nonconviction data may be disseminated for research purposes according to the provisions of RCW 10.97.050(6). The transfer agreement provided for by that section shall be substantially similar to that set forth in WAC 365-50-530 (Model Transfer Provisions).

(2) Criminal history record information contained in agency files may be disseminated to persons for research, evaluative or statistical purposes provided the researcher enters into a contract with the agency. If such a contract is entered into, it is not necessary for the researcher to obtain consent from the individual involved. The contract with the agency shall consist of a transfer agreement with the agency to whom the request is made.

(3) Either certification by the SPA or a transfer agreement (under subsection (1) of this section), are necessary for the dissemination of nonconviction information to noncriminal justice agencies. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-310, filed 2/22/78.]

**WAC 365-50-320 Dissemination--Record of disseminations to be maintained.** (1) Every criminal justice agency that maintains and disseminates criminal history record information shall maintain records indicating every dissemination of such information (including a confirmation of the existence of criminal history record information), except a dissemination or confirmation to the effect that the agency has no record concerning an individual, in accordance with the requirements of RCW 10.97.050(7). Such dissemination records may be kept separately, or may be included on the state or local criminal history record information summary (rap sheet) itself. If an agency receives a state rap sheet from the identification section of the Washington state patrol, or a local rap sheet if one exists, and makes a further dissemination of the rap sheet while retaining a copy for its own records, the agency shall make a record of the further dissemination, which may be included on the retained copy of the rap sheet.

(2) Records of information disseminated shall be for a period of not less than one year. Records of information disseminated shall include:

(a) An indication of to whom (agency or person) criminal history record information was disseminated;

(b) The date on which the information was disseminated;

(c) The individual to whom the information relates;

(d) A brief description of the information disseminated. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-320, filed 2/22/78.]

**WAC 365-50-330 Dissemination--Fees.** A criminal justice agency may charge persons and agencies, other than criminal justice agencies, a reasonable fee, to reimburse agency's costs for disseminating the records. A schedule of such fees shall be posted in a convenient place accessible to the public. [Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-330, filed 2/22/78.]

**WAC 365-50-340 Protection from accidental loss or injury.** (1) Criminal justice agencies (hereinafter, agency(s)) and noncriminal justice contractors, (hereinafter, contractor) which collect, retrieve, and/or store and disseminate CHRI in manual and automated systems, shall institute procedures for the protection of CHRI from environmental hazards including fire, flood, power failure, or other natural or man-made disasters, or in accordance with local fire, safety, and building codes.

(2) All criminal history record system facilities constructed and/or substantially remodeled subsequent to the establishment of this rule, shall be designed and constructed to provide protection against environmental hazards, as determined by SPA standards, and in accordance with local fire, safety and building codes. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-340, filed 9/18/78.]

**WAC 365-50-350 Protection against unauthorized access.** Criminal history record systems, whether dedicated to criminal justice purposes, or shared, will be designed and operated in accordance with procedures which will assure that:

(1) Access to CHRI facilities and system operating areas (whether for computerized or manual systems) and the content of data files and systems documentation, will be restricted to authorized personnel. These procedures may include use of guards, keys, badges, passwords, sign-in logs or similar safeguards.

(2) All facilities which house CHRI shall be designed and constructed so as to reduce the possibility of physical damage to the information resulting from unauthorized access.

(3) CHRI is stored in such a manner that will prevent modification, destruction, access, change, purging or overlay of CHRI by unauthorized personnel.

(4) Operational programs are used in computerized systems that will prohibit inquiry, record updates, or destruction of records from any terminal other than those authorized to perform CHRI functions.

(5) The purging or destruction of records is limited to personnel authorized by the criminal justice agency or through contract with the noncriminal justice agency as required under WAC 365-50-300, and consistent with WAC 365-50-380 for maintaining the CHRI which is to be purged or destroyed.

(6) Refuse from the criminal history record information system installations is transferred and destroyed under such reasonably secure conditions as will effectively guard against unauthorized availability.

(7) Operational procedures are used in computerized and manual systems to detect and store unauthorized attempts to penetrate any CHRI system, program or file, and that such information is made available only to criminal justice agency employees with responsibility for system security, or as authorized by WAC 365-50-300.

(8) The procedures developed to meet standards of subsections (4) and (7) of this section, are known only to authorized employees responsible for criminal history records information system control. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-350, filed 9/18/78.]

**WAC 365-50-360 Personnel security.** (1) Agencies and contractors which collect and retrieve, or are authorized to maintain or modify, CHRI shall: (a) Prepare job descriptions which describe the degree of sensitivity and the requirements of the security clearance for each job relating to the administration of CHRI systems and, (b) identify those positions which are of such a sensitive nature that fingerprints of employees will be required and used to conduct a criminal record background investigation. Such background investigations will be the responsibility of the criminal justice agency and may consider the date, the disposition, number, seriousness and job relatedness of any previous arrests or convictions. Decisions concerning employment will be the responsibility of the employing agency or contractor.

(2) Agencies or contractors, as defined by subsection (1) of this section, shall initiate, or cause to be initiated, action leading to the transfer or removal of personnel authorized to have direct access to criminal history record information, when such personnel violate the provisions of chapter 10.97 RCW or other security requirements established through administrative code for the collection, storage, and dissemination of such information. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-360, filed 9/18/78.]

**WAC 365-50-370 Personnel training.** (1) Criminal justice agencies shall be required directly, or in cooperation with the criminal justice training commission to familiarize their employees and those of the contractors, with all federal, state, and local legislation, executive orders, rules, and regulations, applicable to such a system. The SPA shall provide information to facilitate training

in cooperation with the criminal justice training commission, regarding the security and confidentiality procedures under chapter 10.97 RCW.

(2) The training to be provided to each employee with responsibility for maintaining, updating, or inquiring of CHRI systems shall be determined with respect to the degree of responsibility of those functions.

(3) Training to be provided shall include not only initial training, but continuing training, designed to maintain among CHRI system personnel current knowledge and operational proficiency with respect to security and privacy law and regulations. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-370, filed 9/18/78.]

**WAC 365-50-380 Personnel clearances.** (1) All personnel assigned to a CHRI system by a noncriminal justice contractor, shall be assigned an appropriate security clearance, which shall be reviewed annually.

(2) Personnel shall be granted security clearances on a selective and individual basis, for access only to such sensitive areas, equipment, and information as they have demonstrated need and right to know.

(3) No person shall have access to any sensitive areas or equipment without a valid clearance.

(4) Clearances may be revoked at the will of the grantor. Adequate notice must be given of the revocation to all other agencies that previously relied upon such clearances.

(5) To provide evidence of the person's security clearance, the grantor of such clearance shall provide an authenticated card or certificate. Responsibility for control of the issuance, or revocation of such document shall rest with the grantor. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-380, filed 9/18/78.]

**WAC 365-50-390 Auditing of CHRI systems.** (1) Every criminal justice agency, including contractors authorized to collect, retrieve, maintain, and disseminate CHRI pursuant to WAC 365-50-300, shall make its records available under RCW 10.97.090(3) to determine the extent of compliance with the following:

- (a) Dissemination records as required under RCW 10.97.050(7);
- (b) Security procedures as required by RCW 10.97.090(1); and
- (c) Personnel standards as required by RCW 10.97.090(2).

(2) The SPA shall establish systems for periodic review of CHRI dissemination logs and determine the extent of compliance with all physical security and personnel regulations.

(3) Personnel engaged in the auditing function shall be subject to the same personnel security requirement as required under WAC 365-50-360, 365-50-370, and 365-50-380, as employees who are responsible for the management and operation of CHRI systems. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-390, filed 9/18/78.]

**WAC 365-50-400 Establishment of procedures.** Every criminal justice agency which collects, retrieves, maintains, and/or disseminates CHRI shall establish written rules and regulations setting forth security and personnel procedures for authorized access to CHRI files or adopt administrative regulations promulgated by the SPA. These procedures shall include documentation of those persons who have access to CHRI and shall indicate any limitations on such access. [Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-400, filed 9/18/78.]

**WAC 365-50-500 Form of request to inspect record.**

Agency Name and Address \_\_\_\_\_  
No. \_\_\_\_\_  
Date and Time Inspected \_\_\_\_\_  
Agency \_\_\_\_\_

**REQUEST FOR INSPECTION OF RECORD**

Pursuant to RCW \_\_\_\_\_

Note: See Rules and Regulations printed on reverse side.

DATE \_\_\_\_\_

I, \_\_\_\_\_ (Print Name), request permission to inspect such record of criminal offenses as are charged to me in the files of \_\_\_\_\_ (Name of Agency).

In order to ensure positive identification as the person in question, I am stating that I was born \_\_\_\_\_ (Date of Birth), in \_\_\_\_\_ (Place of Birth), and I am willing to submit my fingerprints in the space below if required or requested.

(Fill in where applicable) Because I am unable to read ; do not understand English ; otherwise need assistance in reviewing my record ; (check applicable box), I designate and consent that \_\_\_\_\_ (Name), whose address is \_\_\_\_\_ (Address), assist me in examining the criminal history record information concerning myself.

\_\_\_\_\_  
(Initials of subject)

\_\_\_\_\_  
(Signature of designated person)

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
Prints of right four fingers taken simultaneously.

\_\_\_\_\_  
(Address of Applicant)

[Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-500, filed 2/22/78.]

**WAC 365-50-510 Form of request to modify record.**

Agency Name and Address \_\_\_\_\_  
No. \_\_\_\_\_  
Date \_\_\_\_\_  
Action \_\_\_\_\_ By \_\_\_\_\_

**REQUEST FOR MODIFICATION OF RECORD**

Pursuant to RCW \_\_\_\_\_

Note: See rules and regulations printed on reverse side.

I, \_\_\_\_\_ (print name), acknowledge receipt this date, \_\_\_\_\_, of a copy of \_\_\_\_\_ (identify kind of record: rap sheet, etc.) bearing No. \_\_\_\_\_

consisting of ----- page(s) and identified as a history of criminal offenses charged to me.

I challenge the following specific portion(s) or [of] the record as being incomplete, inaccurate, or maintained in violation of law. (Quote current item(s))

AND request modification to read (Quote):

I further request that the following designated persons or agencies who have received copies of the record within the past year be advised of the modifications, if such are determined to be valid.

-----  
-----  
-----

-----  
(Signature of Applicant)

-----  
(Address of Applicant)

[Statutory Authority: RCW 10.97.090. 78-04-031 (Order 78-03), § 365-50-510, filed 3/15/78.]

WAC 365-50-520 Form of request to review refusal to modify record.

Agency Name and Address

REQUEST FOR REVIEW OF REFUSAL TO MODIFY RECORD

Pursuant to RCW ----- and WAC -----

Note: See Rules and Regulations printed on reverse side.

DATE -----

I, \_\_\_\_\_ (Print Name), request the head of \_\_\_\_\_ (Name of Agency), to review and make a final determination of my challenge to the accuracy, completeness, or legality of retention of criminal history record information pertaining to myself and maintained by \_\_\_\_\_ (Name of Agency).

My challenge, a copy of which is attached, was made on \_\_\_\_\_ (Date of Challenge), and was refused on \_\_\_\_\_ (Date of Agency Refusal). I request that my challenge be allowed and that my record be modified in accordance with such challenge.

-----  
(Signature of Applicant)

-----  
(Address of Applicant)

[Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-520, filed 2/22/78.]

WAC 365-50-530 Appendix III to state of Washington plan for security and privacy of criminal offender records.

APPENDIX III  
TO  
STATE OF WASHINGTON PLAN FOR SECURITY AND PRIVACY OF CRIMINAL OFFENDER RECORDS  
MODEL TRANSFER PROVISIONS  
SUGGESTED PROVISIONS TO BE INCLUDED IN AGREEMENTS FOR RELEASE OF CRIMINAL HISTORY RECORD INFORMATION BY A CRIMINAL JUSTICE AGENCY FOR RESEARCH, EVALUATIVE OR STATISTICAL PURPOSES

AGREEMENT made this ----- day of -----, 197--, between ----- (hereinafter referred to as "RESEARCHER" and ----- (hereinafter referred to as "CRIMINAL JUSTICE AGENCY").\*

WHEREAS the RESEARCHER has made a written request to the CRIMINAL JUSTICE AGENCY dated -----, a copy of which is annexed hereto and made a part hereof, and

WHEREAS the CRIMINAL JUSTICE AGENCY has reviewed said written request and determined that it clearly specifies (1) the criminal history record information sought, and (2) the research, evaluative or statistical purpose for which the said information is sought,\*\* and

WHEREAS the RESEARCHER represents that (he) (she) (it) is in receipt of, and is familiar with, the provisions of 28 CFR Part 22, including provisions for sanctions at Parts 22.24(c) and 22.29 thereof,

NOW, THEREFORE IT IS AGREED AS FOLLOWS:

1. The CRIMINAL JUSTICE AGENCY will supply the following items of information to the RESEARCHER:

[Describe in Detail]\*\*\*

-----  
-----  
-----  
-----

2. The RESEARCHER will:

- (a) use the said information only for the research, evaluative, or statistical purposes described in the above mentioned written request dated ----- and for no other purpose;
- (b) limit access to said information to the RESEARCHER and those of the

RESEARCHER'S employees whose responsibilities cannot be accomplished without such access, and who have been advised of, and agreed to comply with, the provisions of this agreement, and of 28 CFR Part 22;\*\*\*\*

- (c) store all said information received pursuant to this agreement in secure, locked containers;
- (d) so far as possible, replace the name and address of any record subject with an alphanumeric or other appropriate code;
- (e) immediately notify the CRIMINAL JUSTICE AGENCY in writing of any proposed material changes in the purposes or objectives of its research, or in the manner in which said information will be used.

3. The RESEARCHER will not:

- (a) disclose any of the said information in a form which is identifiable to an individual, in any project report or in any other manner whatsoever, except pursuant to 28 CFR Part 22.24 (b)(1)(2).
- (b) make copies of any of the said information, except as clearly necessary for use by employees or contractors to accomplish the purposes of the research. (To the extent reasonably possible, copies shall not be made of criminal history record information, but information derived therefrom which is not identifiable to specific individuals shall be used for research tasks. Where this is not possible, every reasonable effort shall be made to utilize coded identification data as an alternative to names when producing copies of criminal history record information for working purposes.)
- (c) utilize any of the said information for purposes or objectives or in a manner subject to the requirement for notice set forth in 2.(e) until specific written authorization therefor is received from the Criminal Justice Agency.

4. In the event the RESEARCHER deems it necessary, for the purposes of the research, to disclose said information to any subcontractor, (he) (she) (it) shall secure the written agreement of said subcontractor to comply with all the terms of this agreement as if (he) (she) (it) were the RESEARCHER named herein.\*\*\*\*

5. The RESEARCHER further agrees that:

- (a) the CRIMINAL JUSTICE AGENCY shall have the right, at any time, to monitor, audit, and review the activities and policies of the RESEARCHER or its subcontractors in implementing this agreement in order to assure compliance therewith; and
- (b) upon completion, termination or suspension of the researcher, it will return all said information, and any copies thereof made by the RESEARCHER, to the CRIMINAL

JUSTICE AGENCY, unless the CRIMINAL JUSTICE AGENCY gives its written consent to destruction, obliteration or other alternative disposition.

6. In the event the RESEARCHER fails to comply with any term of this Agreement the CRIMINAL JUSTICE AGENCY shall have the right to take such action as it deems appropriate, including termination of this Agreement. If the CRIMINAL JUSTICE AGENCY so terminates this Agreement, the RESEARCHER and any subcontractors shall forthwith return all the said information, and all copies made thereof, to the CRIMINAL JUSTICE AGENCY or make such alternative disposition thereof as is directed by the CRIMINAL JUSTICE AGENCY. The exercise of remedies pursuant to this paragraph shall be in addition to all sanctions provided by law, and to legal remedies available to parties injured by disclosures.

7. The RESEARCHER will hold the CRIMINAL JUSTICE AGENCY harmless from any damages or other liability which might be assessed against the CRIMINAL JUSTICE AGENCY as a result of disclosure by RESEARCHER of any information received pursuant to this Agreement.

IN WITNESS WHEREOF the parties have signed their names hereto this ----- day of -----, 197...

----- (CRIMINAL JUSTICE AGENCY)

by -----  
(Name)

Title: -----

----- (RESEARCHERS)

by -----  
(Name)

Title: -----

COMPLIANCE AGREEMENT of employee, consultant or subcontractor.

(I) (We), employee(s) of, consultant to, (and) (or) subcontractor of the RESEARCHER, acknowledge familiarity with the terms and conditions of the foregoing agreement between the CRIMINAL JUSTICE AGENCY AND RESEARCHER, and agree to comply with the terms and conditions thereof in (my) (our) use and protection of the criminal history record information obtained pursuant to the foregoing agreement.

-----  
(date) (signature)

-----  
(date) (signature)

[Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-530, filed 2/22/78.]

WAC 365-50-540 Certification request form for criminal justice agencies seeking access to criminal offender record information.

Certification Request Form for  
Criminal Justice Agencies Seeking Access to  
Criminal Offender Record Information

INSTRUCTIONS

This form is for criminal justice agencies requesting certification for access to Criminal History Record Information (hereinafter referred to as "CHRI"). Criminal justice agencies are defined by Title 10; Ch. 314 Section 3(5-6) and WAC 365-50-020(4)(a)(6)) state in relevant part:

WAC 365-50-020 4(a): Definition of Criminal Justice Agency

"Criminal Justice Agency" has the meaning set forth in RCW 10.97.030(5). "Government Agency" includes a state or local agency, an agency of the federal government or of another state (for the purpose of disseminating criminal history record information to another agency), and includes a subunit of an agency, which itself is not a criminal justice agency if the subunit allocates a substantial part of the budget to, and has as its primary functions, the administration of criminal justice.

REQUEST FOR CERTIFICATION

1. Agency making request:
  - a. Name: \_\_\_\_\_  
Last First Middle
  - b. Address: \_\_\_\_\_  
Street City State Zip
  - c. Telephone Number: (\_\_\_\_\_) \_\_\_\_\_  
Area Code
  - d. Official or employee who should be contacted concerning the application.
    - 1) Name: \_\_\_\_\_  
Last First Middle Title
    - 2) Address: \_\_\_\_\_  
Street City State Zip
    - 3) Telephone Number: (\_\_\_\_\_) \_\_\_\_\_  
Area Code
2. Cite specifically the statutory or regulatory provisions which establish your agency as a governmental agency involved in criminal justice activities, and the provisions which indicate your agency's need for CHRI.
 

State/Federal Statute	Chapter/Title Number	Section Number	Paragraph Number
3. Attach a copy of the above provision or provisions to this application and indicate, by marking, the specific language upon which you base your request.
4. State your agency's need for access to CHRI relative to the above cited provisions and to the actual performance of its criminal justice duties and responsibilities.
5. State the percentage of your agency's budget used for the "administration of criminal justice."

I hereby affirm that all facts and representations made in this document are true and accurate to the best of my knowledge, information and belief.

\_\_\_\_\_  
Signature of person filling out form

-----  
Title

-----  
Date

[Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-540, filed 2/22/78.]

WAC 365-50-550 Certification request form for  
noncriminal justice agencies seeking access to criminal  
offender record information.

Certification Request Form for  
Noncriminal Justice Agencies Seeking Access to  
Criminal Offender Record Information

INSTRUCTIONS

This form is for the use of noncriminal justice agencies or individuals certification for access to Criminal Offender Record Information (hereinafter referred to as "CHRI"). In order for such agencies or individuals to be qualified to receive CHRI they must be authorized access to such information by statute pursuant to Title 10, chapter 314, Laws of 1977 ex. sess. and WAC 365-50-390 of the State Planning Agency. WAC 365-50-390 sets forth the following guidelines:

WAC 365-50-390—Dissemination to  
Implement A Statute Or Other  
Grant Of Authority

- (1) Criminal history record information which includes nonconviction data may be disseminated to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to nonconviction data and which authorizes or directs that it be available or accessible for a specific purpose. A criminal justice agency shall demand satisfactory proof of the requesting individual's or agency's authority to receive the information prior to any dissemination which shall consist of the submission of a copy of the statute ordinance, or other authority relied upon. Such statute, ordinance, or other authority or some other statute, ordinance, or authority must also authorize or direct the criminal justice agency to disseminate nonconviction data.

The State Planning Agency shall compile a list, to be updated annually, of noncriminal justice agencies authorized to receive nonconviction data, along with copies of statutes, ordinances or other grants of authority. All criminal justice agencies shall refer to these lists in making disseminations. The State Planning Agency shall identify, in that listing the specific purpose for which the agency is authorized to receive criminal history and nonconviction data on the basis of a need to know such information in the

performance of its official duties. Noncriminal justice agencies shall be required to present evidence of such authorization before dissemination is made. The form prescribed in WAC 365-50-550 may be used for this purpose.

**REQUEST FOR CERTIFICATION  
FOR NONCRIMINAL JUSTICE USERS  
UNDER WAC 365-50-290**

1. Agency or individual seeking Certification
  - a. Name: \_\_\_\_\_  
 Last                      First                      Middle
  - b. Address: \_\_\_\_\_  
 Street                      City                      State      Zip
  - c. Telephone Number: (\_\_\_\_\_) \_\_\_\_\_  
 Area Code
  - d. If applicable, information concerning employee or official who should be contacted regarding this application.
    - 1) Name: \_\_\_\_\_  
 Last                      First                      Middle
    - 2) Address: \_\_\_\_\_  
 Street                      City                      State      Zip
    - 3) Telephone Number: (\_\_\_\_\_) \_\_\_\_\_  
 Area Code
2. a. Cite specifically the statutory provision, ordinance, executive order, court rule, decision or order or provisions upon which you base your request.  
 \_\_\_\_\_  
 State/Federal Chapter/Title/ Section Number Paragraph No.  
 Statute/Local Article Number  
 Ordinance, etc.  
 b. Provide a copy of the contract with a criminal justice agency to provide services related to the administration of criminal justice activities pursuant to RCW 10.97.050(5).
3. Attach a copy of the above provision or provisions to this application and indicate, by marking, the specific language upon which you base your request.
4. State the need for access to CHRI, which includes nonconviction data relative to the statutory responsibilities cited in items 2 and 3 above.

I hereby affirm that all facts and representations made in this document are true and accurate to the best of my knowledge, information and belief.

\_\_\_\_\_  
 Signature of person filling out form

\_\_\_\_\_  
 Title

[Statutory Authority: RCW 10.97.080. 78-03-065 (Order 78-01), § 365-50-550, filed 2/22/78.]

**WAC 365-50-560 Contract for support services model agreement under WAC 365-50-300.** (Some provisions may not be applicable in all cases and are noted accordingly.)

**I. General Provisions**

- A. Parties: This agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by and between (\_\_\_\_\_Head of Agency\_\_\_\_), Administrator of (\_\_\_\_\_criminal justice agency\_\_\_\_) and

(\_\_\_\_\_Head of Agency\_\_\_\_) of (Support Services Agency of "User").

- B. **Purpose of Agreement.** This agreement authorizes (user) to collect, retrieve, maintain and/or disseminate criminal history record information (hereinafter, CHRI) pursuant to RCW 10.97.050(5), WAC 365-50-300 and the terms of this contract. In addition, it provides for the security and privacy of information in that dissemination to criminal justice agencies shall be limited for the purposes of the administration of justice and criminal justice agency employment. Dissemination to other individuals and agencies shall be limited to those individuals and agencies authorized by either the state planning agency, under chapter 10.97 RCW or local ordinance, as specified by the terms of this contract, and shall be limited to the purposes for which it was given and may not be disseminated further.

**II. Duties of Criminal Justice Agency**

- A. In accordance with federal and state regulations, (criminal justice agency) agrees to furnish complete and accurate criminal history information to user, pursuant to RCW 10.97.040.
- B. (Criminal justice agency) shall specify and approve those individuals or agencies authorized to obtain CHRI, which includes nonconviction data, pursuant to RCW 10.97.050(4) or by local ordinance.

**III. Duties of User**

- A. (User) will collect, retrieve, maintain and/or disseminate all information covered by the terms of this agreement in strict compliance with all present and future federal and state laws and regulations. In addition, all programs, tapes, source documents, listings, and other developmental or related data processing information containing or permitting any person to gain access to CHRI and all personnel involved in the development, maintenance, or operation of an automated information system containing CHRI are subject to the requirements of RCW 10.97.050(5), and WAC 365-50-300.
- B. (User) will obtain the assistance of the (criminal justice agency) to familiarize its personnel with and fully adhere to section 524(b) of the Crime Control Act 1973 (42 USC 3771(b)), 28 CFR Part 20, chapter 10.97 RCW and chapter 365-50 WAC, promulgated by the state planning agency.
- C. (User) will disseminate CHRI only as authorized by chapter 10.97 RCW and as specified by (criminal justice agency) in this

agreement. When CHRI is disseminated, (user) shall be required to make a predissemination query with the state identification section of the Washington State Patrol, pursuant to RCW 10.97.040, and record such disseminations for the purposes of an audit as required by RCW 10.97.050(7). (This requirement is applicable if the contractor has the technical capability, for query, otherwise the criminal justice agency will be responsible for the predissemination query.)

- D. (User) agrees to fully comply with all rules and regulations promulgated by the state planning agency, pursuant to RCW 10.97.090(2), regarding standards for the physical security, protection against unauthorized access and personnel procedures and safeguards.
- E. (User) agrees to permit access to its records system for the purposes of an audit, as specified under RCW 10.97.090(3).

IV. Suspension of Service

(Criminal justice agency) reserves the right to immediately suspend furnishing information covered by the terms of this agreement to (User), when any terms of this agreement are violated. (Criminal justice agency) shall resume furnishing information upon receipt of satisfactory assurances that such violations have been fully corrected or eliminated.

V. Cancellation

Either (criminal justice agency) or (user) may cancel this agreement upon thirty days notice to the other party.

VI. Indemnification

User hereby agrees to indemnify and save harmless (criminal justice agency) and its officers, agents and employees from and against any and all loss, damages, injury, liability suits and proceedings however caused, arising directly or indirectly out of any action or conduct of the (user) in the exercise or enjoyment of this agreement.

VII. Construction

This agreement shall be liberally construed to apply to both manual and automated information systems wherever and whenever possible.

(CRIMINAL JUSTICE AGENCY) (USER)

by: \_\_\_\_\_ by: \_\_\_\_\_  
title: \_\_\_\_\_ title: \_\_\_\_\_  
date: \_\_\_\_\_ date: \_\_\_\_\_

[Statutory Authority: RCW 10.97.080. 78-10-038 (Order 40), § 365-50-560, filed 9/18/78.]

Chapter 365-55 WAC  
WASHINGTON STATE WEATHERIZATION  
ASSISTANCE PROGRAM FOR LOW-INCOME  
PERSONS

WAC	
365-55-010	Definitions.
365-55-020	Program description.
365-55-030	Program purpose.
365-55-040	Application procedures.
365-55-050	Contract awards.
365-55-060	Reports and records.
365-55-070	Policy advisory council.
365-55-080	Termination.

WAC 365-55-010 Definitions. (1) Unless the language or context indicates that a different meaning is intended, the following terms, and phrases shall, for the purpose of this order, be given the meaning hereafter subjoined to them:

(2) "Agency" shall mean the Washington state planning and community affairs agency (PCAA);

(3) "Local applicant" shall mean a community action agency (CAA), a limited purpose agency; or a unit of general purpose local government which shall include all federally recognized Indian tribes located in the state of Washington;

(4) "Contract" shall mean the written agreement entered into by the applicant and the agency for the purpose of carrying out the weatherization program;

(5) "Contractor" shall mean any applicant accepted into the program under the terms and conditions of the program, that signs a contract of agreement to that effect with the agency;

(6) "Low income" means that income in relation to family size which (a) is at or below the poverty level determined in accordance with criteria established by the director of the office of management and budget, or (b) is the basis on which cash assistance payments have been paid during the preceding twelve month period under Titles IV and XVI of the Social Security Act or applicable state or local law;

(7) "Elderly person" means a person who is sixty years of age or older;

(8) "Handicapped person" means any individual (a) who is a handicapped individual as defined in section 7(6) of the Rehabilitation Act of 1973, (b) who is under disability as defined in section 1614 (a) (3) (A) or 223 (d) (1) of the Social Security Act or in section 102(7) of the Developmental Disabilities Services and Facilities Construction Act. or (c) who is receiving benefits under chapter 11 or 15 of Title 38, United States Code;

(9) "Weatherization project" means a project conducted in a single geographical area which undertakes to weatherize dwelling units that are thermally inefficient;

(10) "Weatherization materials" means items intended primarily to improve the heating or cooling efficiency of a dwelling unit including, but not limited to, ceiling, wall, floor, and duct insulation, vapor barriers, storm windows and doors, and caulking and weatherstripping, but not including mechanical equipment valued in excess of fifty dollars per dwelling unit;

(11) "Office of economic opportunity" designates a division of the planning and community affairs agency;

(12) "Policy advisory council" designates the state energy conservation weatherization advisory council established as required by federal regulations. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-010, filed 3/9/78.]

**WAC 365-55-020 Program description.** (1) The U.S. department of energy (DE) pursuant to P.L. 94.385 and the community services administration (CSA) pursuant to P.L. 93-644 have provided grants to PCAA to weatherize thermally inefficient dwelling units of low income residents of the state of Washington. The federal legislation authorizing the funds gives priority to homes of the elderly and the handicapped.

(2) The program will be administered in the state by the agency, as designated by the governor.

(3) The office of economic opportunity will be responsible for coordinating, administering, monitoring, and publicizing the program and performing all other functions deemed necessary and appropriate.

(4) All questions regarding administration and operation of the program will be referred to the office of economic opportunity for resolution. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-020, filed 3/9/78.]

**WAC 365-55-030 Program purpose.** (1) The purpose of the program is to assist in achieving a healthful dwelling environment and maximum practicable energy conservation in the dwellings of low-income persons, particularly elderly and handicapped low-income persons, in order both to aid those persons least able to afford higher energy costs and to conserve needed energy. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-030, filed 3/9/78.]

**WAC 365-55-040 Application procedures.** (1) To apply for funding under the program, the applicant shall submit an application to the office of economic opportunity which shall include at least the following information:

(a) The name, address, and phone number of the applicant organization;

(b) The name of the person responsible for administering the weatherization program;

(c) The area to be served by the weatherization program;

(d) The type of weatherization work to be done;

(e) The number of dwelling units to be weatherized;

(f) The expected average cost per dwelling to be weatherized, taking into account the total number of dwellings to be weatherized and the total amount of funds, federal and nonfederal;

(g) The number of rental dwelling units to be weatherized, if any;

(h) An estimate of the number of eligible dwelling units in which the low-income elderly reside;

(i) An estimate of the number of eligible dwelling units in which the low-income handicapped reside;

(j) The extent to which priority will be given to weatherization of single-family dwelling units for the elderly and handicapped;

(k) The proposed budget for funds applied for under this program;

(l) The amount of federal resources, if any, other than that requested in this application which will be used in the project.

(m) The amount of nonfederal resources to be applied to the program;

(n) Mechanisms for providing sources of labor; and

(o) Assurance of compliance with all applicable program requirements, procedures, preferences, and regulations.

(2) Blank application forms will be provided by the office and may require information or certifications in addition to that shown above if required by federal statute, and regulations or applicable state law.

(3) OEO recommends that a pre-application letter be written to OEO prior to formal filing of an application stating the intent of the applicant to request aid. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-040, filed 3/9/78.]

**WAC 365-55-050 Contract awards.** In accordance with the Washington state plan for weatherization assistance, funds available under this program will be granted to:

(1) Community action agencies (CAAs) which have demonstrated their ability to carry out an effective weatherization and energy conservation program within a specific geographical area.

(2) In areas where a current and effective program is being conducted by a non-CAA, preference for funds available under this program will be given to that program operator.

(3) In areas where there is no energy conservation program being operated under the Economic Opportunity Act of 1964, Washington state OEO shall consult with units of general purposes local government and/or other current program operators to adopt a plan to provide service to the area. If an agreement is not reached under the procedure, applications by prospective contractors will be evaluated by the policy advisory council which will make its recommendation to the director.

(4) In case of Indian reservations, funds will be granted to the appropriate tribal nonprofit organization licensed by the state for affected native American populations if their application documents that the organization can effectively:

(a) Provide necessary program administration, supervision, and required reporting;

(b) Provide or obtain necessary technical expertise;

(c) Secure the services of volunteers, CETA training participants and/or CETA public service employment workers.

(5) If tribal authorities do not apply for funds or are not able to meet the requirements outlined above, funds reserved for the reservation shall be granted to the appropriate program operator for the geographical area

with the following conditions in addition to those necessary for their nonreservation area:

(a) To the maximum extent possible and practicable, reservation representatives shall be included in both policy making and program administration which affects the native American population;

(b) Assurance will be provided that funds reserved for the reservation will be used to serve residences of low-income native Americans.

(c) A letter of endorsement from the tribal council shall accompany the application. If a letter has not been received within thirty-five days of the request from the CAA, the tribal council shall be assumed to have given its endorsement and the CAA may proceed with its plan.

(6) Awards to successful applicants will be made by written contract. Such contract shall as a minimum detail:

(a) Responsibilities of the applicant and the agency;

(b) The term of the agreement;

(c) The funding involved and method of reimbursement;

(d) Reports and record keeping required;

(e) Other special conditions mutually agreeable to both parties. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-050, filed 3/9/78.]

**WAC 365-55-060 Reports and records.** Each contractor receiving federal financial assistance under this program shall keep such records which fully disclose the amount and disposition of the funds received, the total cost of a weatherization project, the source and amount of funds for such project not supplied by OEO, and such other records as OEO deems necessary for an effective audit and performance evaluation. Project performance reports will be provided by the contractor as required by the OEO. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-060, filed 3/9/78.]

**WAC 365-55-070 Policy advisory council.** (1) A policy advisory council will be established according to federal law and regulation. The council will be known as the energy conservation weatherization advisory council. The council shall advise the director of the agency on the administration of the program.

(2) The council will also hear appeals relative to the allocation of program funds and will make appropriate recommendations to the director for disposition of such appeals. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-070, filed 3/9/78.]

**WAC 365-55-080 Termination.** (1) If, through any cause, the contractor fails to fulfill in timely and proper manner its obligations under their contract, or if the contractor violates any of the covenants, agreements, or stipulations of this contract, the agency shall thereupon have the right to terminate the contract by giving written notice to the contractor of such termination and specifying the effective date thereof. Such notice must be given at least five days before the effective date of such termination. In that event, all finished or unfinished work, materials secured under this contract shall,

at the option of the OEO, become OEO's property; the contractor shall be entitled to receive just and equitable reimbursement for expenses incurred in connection with any satisfactory work completed.

(2) The OEO may terminate this contract without recourse if any of the following conditions occur:

(a) State or federal funds are not allocated for the purpose of meeting the state agencies' obligations hereunder; and

(b) The authorization to spend such funds is rescinded or revoked, or such funds are otherwise made available

The OEO shall provide written notice of such termination to the contractor at least five days prior to the effective date thereof. [Statutory Authority: RCW 43.63A.060. 78-04-013 (Order 78-02), § 365-55-080, filed 3/9/78.]

### Chapter 365-60 WAC

#### RULES AND REGULATIONS REGARDING STATE ADMINISTRATION OF THE LOCAL SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

##### WAC

365-60-010	Purpose and authority.
365-60-020	Policies and procedures.

**WAC 365-60-010 Purpose and authority.** (1) The purpose of this chapter is to present the conditions and procedures under which the state will administrate available contract authority for specified number of federally assisted dwelling units.

(2) This activity is undertaken pursuant to RCW 43.63A. [Statutory Authority: Chapter 43.63A RCW. 79-03-004 (Order 79-02), § 365-60-010, filed 2/9/79.]

**WAC 365-60-020 Policies and procedures.** The policies and procedures followed by the Planning and Community Affairs Agency in administering the contract authority awarded to it for the Section 8 Housing Assistance Payments Program will coincide with all federal laws and rules governing the Section 8 Housing Assistance Payments Program including but not limited to the following: New Construction Regulations 24 CFR 880; Substantial Rehabilitation Regulations 24 CFR 881; Existing Regulations 24 CFR 882; State Agency Regulations 24 CFR 883; Regulations Affecting Eligible Section 8 Recipients 24 CFR 889; Section 11(b) Regulations 24 CFR 811; Community Development and Section 8 Regulations 24 CFR 570 and 24 CFR 891; Department of Housing and Urban Development Act (42 USC 3531, et seq); U.S. Housing Act of 1937 (42 USC 1401, et seq); Title VI of the Civil Rights Act of 1964; Title VIII of the Civil Rights Act of 1968; Executive Orders 11063 and 11246, and Section 3 of the Housing and Urban Development Act of 1968; The National Flood Insurance Act of 1968; Executive Orders 11988 and 11990; The National Environmental Policy Act; The Clean Air Act; The Federal Pollution Control Act; and The Davis-Bacon Act. The Section 8 Housing Assistance Payments Program is completely unrelated to and should not be confused with the Planning Advances

Program (WAC 365-22-010 through WAC 365-22-090) of the Planning and Community Affairs Agency. None of WAC 365-22-010 through WAC 365-22-090 pertain to or are applicable to the state administration of the local Section 8 Housing Assistance Payments Program. [Statutory Authority: Chapter 43.63A RCW. 79-03-004 (Order 79-02), § 365-60-020, filed 2/9/79.]

## Title 372 WAC

### POLLUTION CONTROL COMMISSION, WATER

#### Chapter

**372-20 Public sewage and industrial waste works.**

#### Chapter 372-20 WAC

### PUBLIC SEWAGE AND INDUSTRIAL WASTE WORKS

#### WAC

372-20-005 through 372-20-110 Repealed.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 372-20-005 Sewage works design guide. [Rule .04.221, adopted 12/3/53.] Repealed by 79-02-033 (Order DE 78-10), filed 1/23/79. Statutory Authority: RCW 90.48-110. Later promulgation, see chapter 173-240 WAC. See also chapter 248-92 WAC.
- 372-20-010 Definitions. [Rule .04.233, adopted 12/3/53.] Repealed by 79-02-033 (Order DE 78-10), filed 1/23/79. Statutory Authority: RCW 90.48.110. Later promulgation, see chapter 173-240 WAC. See also chapter 248-92 WAC.
- 372-20-020 All plans may be submitted to pollution control commission. [Rule .04.230 (part), adopted 12/3/53.] Repealed by 79-02-033 (Order DE 78-10), filed 1/23/79. Statutory Authority: RCW 90.48.110. Later promulgation, see chapter 173-240 WAC. See also chapter 248-92 WAC.
- 372-20-025 Law relating to approval of comprehensive plan for sewer districts. [Rule .04.238, adopted 12/3/53.] Repealed by 79-02-033 (Order DE 78-10), filed 1/23/79. Statutory Authority: RCW 90.48.110. Later promulgation, see chapter 173-240 WAC. See also chapter 248-92 WAC.
- 372-20-030 Plan requirements generally—Sewerage systems. [Rule .04.230 (part), adopted 12/3/53.] Repealed by 79-02-033 (Order DE 78-10), filed 1/23/79. Statutory Authority: RCW 90.48.110. Later promulgation, see chapter 173-240 WAC. See also chapter 248-92 WAC.
- 372-20-040 Plan requirements generally—Sewage treatment works. [Rule .04.230 (part), adopted 12/3/53.] Repealed by 79-02-033 (Order DE 78-10), filed 1/23/79. Statutory Authority: RCW 90.48.110. Later promulgation, see chapter 173-240 WAC. See also chapter 248-92 WAC.
- 372-20-050 Inspection of systems and plants during construction. [Rule .04.230 (part), adopted 12/3/53.] Repealed by 79-02-033 (Order DE 78-10), filed 1/23/79. Statutory Authority: RCW 90.48.110. Later promulgation, see chapter 173-240 WAC. See also chapter 248-92 WAC.
- 372-20-055 Compliance with RCW 90.48.110. [Rule .04.230 (part), adopted 12/3/53.] Repealed by 79-02-033

- (Order DE 78-10), filed 1/23/79. Statutory Authority: RCW 90.48.110. Later promulgation, see chapter 173-240 WAC. See also chapter 248-92 WAC.
- 372-20-060 Sewerage systems\*—Report, general layout map and specifications. [Rule .04.232 (part), adopted 12/3/53.] Repealed by 79-02-033 (Order DE 78-10), filed 1/23/79. Statutory Authority: RCW 90.48-110. Later promulgation, see chapter 173-240 WAC. See also chapter 248-92 WAC.
- 372-20-070 Sewage treatment works\*—Reports and plans to PCC. [Rule .04.232 (part), adopted 12/3/53.] Repealed by 79-02-033 (Order DE 78-10), filed 1/23/79. Statutory Authority: RCW 90.48.110. Later promulgation, see chapter 173-240 WAC. See also chapter 248-92 WAC.
- 372-20-080 Requirements for engineers. [Rule .04.232 (part), adopted 12/3/53.] Repealed by 79-02-033 (Order DE 78-10), filed 1/23/79. Statutory Authority: RCW 90.48.110. Later promulgation, see chapter 173-240 WAC. See also chapter 248-92 WAC.
- 372-20-090 The operation of sewage treatment plants. [Rule .04.232 (part), adopted 12/3/53.] Repealed by 79-02-033 (Order DE 78-10), filed 1/23/79. Statutory Authority: RCW 90.48.110. Later promulgation, see chapter 173-240 WAC. See also chapter 248-92 WAC.
- 372-20-100 Industrial waste treatment works—Reports and plans.\* [Rule .04.232 (part), adopted 12/3/53.] Repealed by 79-02-033 (Order DE 78-10), filed 1/23/79. Statutory Authority: RCW 90.48.110. Later promulgation, see chapter 173-240 WAC. See also chapter 248-92 WAC.
- 372-20-110 Operation of industrial waste treatment plants. [Rule .04.232 (part), adopted 12/3/53.] Repealed by 79-02-033 (Order DE 78-10), filed 1/23/79. Statutory Authority: RCW 90.48.110. Later promulgation, see chapter 173-240 WAC. See also chapter 248-92 WAC.

**WAC 372-20-005 through 372-20-110 Repealed.**  
See Disposition Table at beginning of this chapter.

## Title 388 WAC

### DEPARTMENT OF SOCIAL AND HEALTH SERVICES (PUBLIC ASSISTANCE)

#### Chapters

- 388-08 Practice and procedure—Fair hearing.**
- 388-11 Child support—Obligations.**
- 388-13 Recovery of support payments.**
- 388-14 Support enforcement.**
- 388-15 Social services for families, children and adults.**
- 388-17 Senior citizens services program.**
- 388-22 Determining and verifying eligibility—Definitions.**
- 388-24 Aid to families with dependent children—Eligibility.**
- 388-28 Aid to families with dependent children and continuing general assistance—Eligibility need.**
- 388-29 Aid to families with dependent children and continuing general assistance—Eligibility—Standards of assistance.**