

# Title 118 WAC

## EMERGENCY SERVICES, DEPARTMENT OF

(Formerly: Civil Defense)

### Chapter

#### 118-02 Public records.

#### Chapter 118-02 WAC PUBLIC RECORDS

#### WAC

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**WAC 118-02-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the Department of Emergency Services with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying-Records; and in particular with sections 25-34 of that act, dealing with public records. [Order 230-1, § 118-02-010, filed 5/13/74.]

**WAC 118-02-020 Definitions.** (1) **PUBLIC RECORDS.** "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) **WRITING.** "Writing means handwriting, type-writing, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents."

(3) **DEPARTMENT OF EMERGENCY SERVICES.** The Department of Emergency Services is a state agency created pursuant to chapter 38.52 RCW. The Department of Emergency Services shall hereinafter

be referred to as the "Agency". Where appropriate, the term agency also refers to the staff and employees of the Department of Emergency Services. [Order 230-1, § 118-02-020, filed 5/13/74.]

**WAC 118-02-030 Description of central and field organization of department of emergency services.** (1) The Department of Emergency Services is a general government agency authorized to administer the program of disaster relief, search and rescue coordination, and civil defense in the state of Washington. The Administrative Office of the agency and its staff is located at 4220 East Martin Way, Olympia, Washington 98504. [Order 230-1, § 118-02-030, filed 5/13/74.]

**WAC 118-02-040 Operations and procedures.** Pursuant to chapter 38.52 RCW the Department of Emergency Services has the responsibility for preparing, coordinating and directing all nonmilitary emergency functions for the protection and preservation of the lives, property and resources of the state, and for coordinating state-wide search and rescue activities. On April 10, 1968, the governor issued an emergency plans policy assigning to this agency the responsibility for coordinating the resources from other state agencies required in natural or man-made disasters, and naming it a member of the Emergency Plans Group for Support to the Washington State Patrol in the event of civil disturbance. [Order 230-1, § 118-02-040, filed 5/13/74.]

**WAC 118-02-04001 Public records available.** All public records of the agency, as defined in WAC 118-02-020(1) are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973, WAC 118-02-100 or any other applicable law. [Order 230-1, § 118-02-04001, filed 5/13/74.]

**WAC 118-02-060 Public records officer.** The agency's public records shall be in charge of the Public Records Officer designated by the agency. The person so designated shall be located in the Administrative Office of the agency. The Public Records Officer shall be responsible for the following: The implementation of the agency's rules and regulations regarding release of public records, coordinating the staff of the agency in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. [Order 230-1, § 118-02-060, filed 5/13/74.]

**WAC 118-02-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the agency. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. [Order 230-1, § 118-02-070, filed 5/13/74.]

**WAC 118-02-080 Requests for public records.** In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the agency which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the agency's staff, if the public records officer is not available, at the administrative office of the agency during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the agency's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested. [Order 230-1, § 118-02-080, filed 5/13/74.]

**WAC 118-02-090 Copying.** No fee shall be charged for the inspection of public records. The agency shall charge a reasonable fee per page of copy for providing copies of public records and for use of the agency copy equipment. This charge is the amount necessary to reimburse the agency for its actual costs incident to such copying. [Order 230-1, § 118-02-090, filed 5/13/74.]

**WAC 118-02-100 Exemptions.** (1) The agency reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 118-02-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973 or any other applicable law.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the agency reserves the right to delete identifying details when it makes available or publishes

any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy or vital governmental interests.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Order 230-1, § 118-02-100, filed 5/13/74.]

**WAC 118-02-110 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by submitting to the public records officer a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or his designee shall refer it to the director of the agency or his designee. The director or his designee shall consider the matter and either affirm or reverse such denial. Consultation, wherever possible, will be made with the Attorney General's Office regarding the matter under review. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the agency has returned the petition with a decision or until the close of the second business day following the denial of inspection, whichever occurs first. [Order 230-1, § 118-02-110, filed 5/13/74.]

**WAC 118-02-120 Protection of public records.** Requests for public records shall be made in the agency's office at 4220 East Martin Way, Olympia. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated for their inspection. Copies shall be made in the agency office or, if copying facilities are not available, the agency will arrange to have copies made subject to the provisions of WAC 118-02-909 [118-02-090]. [Order 230-1, § 118-02-120, filed 5/13/74.]

**WAC 118-02-130 Records index.** The current index promulgated by the agency shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order 230-1, § 118-02-130, filed 5/13/74.]

**WAC 118-02-140 Agency address.** All communications with the agency pertaining to the enforcement of chapter 1, Laws of 1973, these rules and requests for copies of the agency's records, may be addressed as follows: Department of Emergency Services, c/o Public Records Officer, 4220 East Martin Way, Olympia 98504. [Order 230-1, § 118-02-140, filed 5/13/74.]

**WAC 118-02-150 Adoption of form.** The agency hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for Public Record." [Order 230-1, § 118-02-150, filed 5/13/74.]

**WAC 118-02-990 Appendix A—Form—Request for public record to department of emergency services.**

APPENDIX A

REQUEST FOR PUBLIC RECORD TO  
DEPARTMENT OF EMERGENCY SERVICES

-----  
Name of Organization, if Applicable

-----  
Mailing Address of Applicant

-----  
Phone Number

-----  
Date Request Made at Department  
of Emergency Services

-----  
Time of Day  
Request Made

Nature of request -----  
-----  
-----

-----  
Identification Reference on Current Index (Please Describe) -----  
-----  
-----

-----  
Description of Record, or Matter, Requested if Not Identifiable by  
Reference to the Department of Emergency Services Current Index --  
-----

-----  
Said Records Have Not Been Requested to Provide Access to Lists of  
Individuals for Commercial Purposes.

-----  
Signature Signature (Please Print)

Request: Approved ----- By -----  
Date Public Records Officer

Denied Date -----

Reasons for Denial: -----  
-----  
-----

-----  
Referred to ----- Date -----

By -----  
Public Records Officer

[Order 230-1, Appendix A (codified as WAC 118-02-990), filed 5/13/74.]