

# Title 323 WAC

## MILITARY DEPARTMENT

### Chapter 323-10 Public records.

#### Chapter 323-10 WAC PUBLIC RECORDS

##### WAC

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**WAC 323-10-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the Military Department, State of Washington with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign—Finances—Lobbying—Records; and in particular with sections 25-32 of that act, dealing with public records. [§ 323-10-010, filed 2/13/74.]

#### **WAC 323-10-020 Definitions. (1) PUBLIC RECORDS**

"Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

##### **(2) WRITING**

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

##### **(3) MILITARY DEPARTMENT**

The Military Department is the agency established by law pursuant to the provisions of Title 38, RCW. The Military Department shall hereinafter be referred to as the "Agency". Where appropriate, the term "Agency"

also refers to the staff and employees of the Military Department. [§ 323-10-020, filed 2/13/74.]

**WAC 323-10-030 Description of central and field organization of the Military Department.** The Military Department is a public safety agency. The Administrative Office of the Agency and its staff are located at Camp Murray, Tacoma, Washington. In addition to the Headquarters, the Agency has in excess of forty facilities located throughout the State in the form of armories, shops, aircraft facilities and vehicle storage buildings. [§ 323-10-030, filed 2/13/74.]

**WAC 323-10-040 Operations and procedures.** The Military Department is the National Guard Headquarters for all Army and Air National Guard units in the State of Washington. The National Guard is that part of the military force of the State that is organized, equipped and federally recognized under the provisions of The National Defense Act of the United States. The National Guard is administered by the Governor as "Commander-in-Chief", through The Adjutant General pursuant to general state laws and consistent with federal regulations. [§ 323-10-040, filed 2/13/74.]

**WAC 323-10-050 Public records available.** All public records of the Agency, as defined in WAC 323-010-020, 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 323-010-090, and any applicable federal law or regulation. [§ 323-10-050, filed 2/13/74.]

**WAC 323-10-060 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, co-ordinating 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, and any other applicable law or regulation. [§ 323-10-060, filed 2/13/74.]

**WAC 323-10-070 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 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m.,

Monday through Friday, excluding legal holidays. [§ 323-10-070, filed 2/13/74.]

**WAC 323-10-080 Requests for public records.** In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasion 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, at designated Agency locations, by members of the public upon compliance with the following procedures:

(1) A request may be made in writing or orally. The request shall be presented to the public records officer, or his designee, if the public records officer is not available, at the administrative office of the Agency located at Camp Murray during customary office hours. The request shall include the following information for the Agency records officer log:

- (a) The name of the person requesting the record.
- (b) The date upon which the request was made.
- (c) The nature of the request.

(d) If the matter requested is referenced within an available index maintained by the records officer, a reference to the requested record as it is described in such index.

(e) If the requested matter is not identifiable by reference to the Agency's current available 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. [§ 323-10-080, filed 2/13/74.]

**WAC 323-10-090 Copying.** No fee shall be charged for the inspection of public records. There shall be no charge for use of the Agency's copy equipment up to one-hundred original documents copied. Only one (1) copy of each document required shall be copied. If additional copies of a single document are desired by the requestor, the requestor shall have this accomplished through some source other than by the use of any of the Agency's copy equipment. If one-hundred or more original documents are to be copied by the requestor, the requestor shall be charged a reasonable fee. [§ 323-10-090, filed 2/13/74.]

**WAC 323-10-100 Exemptions.** (1) The Agency reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 323-010-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973 and any other applicable laws or regulations.

(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 protected by chapter 1, Laws of

1973. The public records officer will justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [§ 323-10-100, filed 2/13/74.]

**WAC 323-10-110 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 tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to The Adjutant General of the Military Department. The Adjutant General shall consider the matter and either affirm or reverse such denial or consult with the Attorney General whenever possible.

(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 denial of inspection, whichever occurs first. [§ 323-10-110, filed 2/13/74.]

**WAC 323-10-120 Protection of public records.** Requests for public records shall be made in the Headquarters Building (Building #1) Camp Murray, Tacoma, Washington in the office of the Chief, Administrative Services. Public records and a facility for their inspection and/or copying will be provided by the public records officer of the Agency. Such records or documents shall not be removed from the place designated for their inspection. [§ 323-10-120, filed 2/13/74.]

**WAC 323-10-130 Requests to the agency.** All communications with the Agency pertaining to public records may be addressed as follows:

Military Department, State of Washington  
ATTN: Public Records Officer  
Camp Murray, Tacoma, Washington 98430

[§ 323-10-130, filed 2/13/74.]

**WAC 323-10-140 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 [WAC 323-10-900], entitled "Request for Public Record, Washington State Military Department." [§ 323-10-140, filed 2/13/74.]

**WAC 323-10-150 Index.** The Agency has available to all persons current indexes for each series of records which provide identifying information as to:

- (a) Administrative publications, manuals and forms.
- (b) General, Special and Letter Orders published by the Agency.

(c) Staff memorandums, regulations, pamphlets, circulars and Information Bulletins. [§ 323-10-150, filed 2/13/74.]

WAC 323-10-900 Appendix A—Request for public record—Form.

REQUEST FOR PUBLIC RECORD  
WASHINGTON STATE MILITARY  
DEPARTMENT

(a) -----  
Name Signature  
(Please Print)

-----  
Name of Organization, if Applicable

-----  
Mailing Address Telephone  
of Applicant number

(b) -----  
Date Request Time of Day  
Made Request Made

(c) Nature of Request -----  
-----  
-----

(d) Identification Reference on Current Index -----  
-----  
-----

(e) Description of record or matter requested if not  
identifiable by reference to any Washington State  
Military Department current index -----  
-----  
-----

Request:

Approved ----- By -----  
Date Public Records  
Officer

Denied: -----  
Date

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

Referred to ----- By -----  
Public Records  
Officer

[Form—Appendix A (codified as WAC 323-10-900),  
filed 2/13/74, effective 3/1/74.]