

Title 143 WAC

DATA PROCESSING AUTHORITY, WASHINGTON STATE

Chapters

- 143-06** Practice and procedure of agency—Public records.
143-10 State Environmental Policy Act guidelines.

Chapter 143-06 WAC

PRACTICE AND PROCEDURE OF AGENCY— PUBLIC RECORDS

WAC

- | | |
|------------|---|
| 143-06-010 | Purpose. |
| 143-06-020 | Definitions. |
| 143-06-030 | Description of central and field organization. |
| 143-06-040 | Operations and procedures. |
| 143-06-050 | Public records available. |
| 143-06-060 | Public records officer. |
| 143-06-070 | Office hours. |
| 143-06-080 | Requests for public records. |
| 143-06-090 | Copying. |
| 143-06-100 | Exemptions. |
| 143-06-110 | Review of denials of public records request. |
| 143-06-120 | Protection of public records. |
| 143-06-130 | Records index. |
| 143-06-140 | Communications with the authority. |
| 143-06-150 | Adoption of form. |
| 143-06-160 | Records in possession of data processing service centers. |
| 143-06-990 | Appendix A—Form—Request for public records. |

WAC 143-06-010 Purpose. The purpose of this chapter shall be to adopt rules descriptive of the Washington state data processing authority's operations and methods and to ensure compliance with the provisions of chapter 42.17 RCW (Initiative 276), and in particular with sections 25-32 of that act, dealing with public records. [Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-010, filed 3/6/81; Order 0002, § 143-06-010, filed 9/12/73.]

WAC 143-06-020 Definitions. (1) 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 means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, 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) The Washington state data processing authority is the agency appointed by the governor pursuant to chapter 219, Laws of 1973 1st ex. sess. The Washington state data processing authority shall hereinafter be referred to

as the authority. Where appropriate, the term authority also refers to the staff and employees of the Washington state data processing authority. [Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-020, filed 3/6/81; Order 0002, § 143-06-020, filed 9/12/73.]

WAC 143-06-030 Description of central and field organization. (1) The administrative office of the authority and its staff is located in the 9th and Columbia Building, Olympia, Wash., 98504.

(2) The authority is composed of eleven persons appointed by the governor to carry out the duties and tasks contained in chapter 43.105 RCW as amended. The administrative head of the authority is its executive director. All communications, requests and business shall be forwarded to the executive director at the aforesaid administrative office of the authority.

(3) The authority is chartered by the legislature to provide for the efficient and coordinated utilization of data processing equipment, techniques and personnel to achieve optimum effectiveness and economy in collection, storage, interchange, retrieval, processing and transmission of information; to authorize development, implementation and maintenance of a coordinated state-wide plan for data processing and data communications systems; to achieve consolidation of automated data processing resources and centralization of control over automated data processing and to ensure that automated data processing systems shall serve the management and other needs of the legislative, executive and judicial branches of state and local government. [Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-030, filed 3/6/81; Order 0002, § 143-06-030, filed 9/12/73.]

WAC 143-06-040 Operations and procedures. (1) The Washington state data processing authority, hereinafter referred to as the authority, shall hold regular meetings the first Wednesday of each month at a time and place designated by the authority in a previous regular or special meeting, and special meetings at times and places designated by the chair or three of the members. Members will receive written notification of a special meeting at least 24 hours in advance. All meetings of the authority shall be open to the public; except that the authority may meet in executive session when considering matters as defined in RCW 42.30.110 (Open Public Meetings Act).

Public notice shall be given of all authority meetings as provided in chapter 42.30 RCW (Open Public Meetings Act).

(2) All meetings of the authority, its executive committee, or any subcommittee, ad hoc committee or task

force created by the authority, shall be governed by Reed's Parliamentary Rules, except as specified by applicable law or these rules of procedure.

(3) A quorum must be present to conduct business. Six members shall constitute a quorum and a majority (at least four) of those present shall have the authority to transact all business.

The agenda for all regular meetings of the authority will be set by the executive director. Any member of the authority, an agency, a vendor or the public may request, in writing to the executive director, an item to be placed on the agenda. The agenda for special meetings will be set by the executive director or the members calling the special meeting. The agenda of meetings of ad-hoc committees, or task forces of the authority will be set by their respective chairs.

(4) Minutes, which shall be a summary of the proceedings, shall be kept at each regular or special meeting of the authority and, upon correction and approval, transmitted to each member of the authority and to such other persons as may be required by law.

(5) The officers of the authority shall be a chair and vice chair elected by the authority. The chair shall preside at all meetings of the authority except that the vice chair shall preside when the chair is not present.

In the event of any vacancy of the chair or vice chair, the authority shall fill the vacancy by elections at its next regularly scheduled meeting. In such cases, members will be advised that an election will be held in accordance with normal meeting notice procedures.

(6) All news releases identified as coming from the authority as a whole will be promulgated from the authority's office and approved either by the chair or, if absent, the vice chair.

(7) An annual budget will be prepared by the executive director and approved by the authority. All expenditures consistent with the approved budget may be approved by the executive director or designee. Emergency expenditures not to exceed \$500.00 for items not included in the approved budget may be authorized by the executive director.

(8) The authority shall appoint by an absolute majority vote (six) an executive director who shall be chief executive officer for the authority, and shall perform such duties as the authority may require, such appointment to be confirmed by a majority vote of the senate.

(9) Staff members may be employed by the executive director when consistent with an approved budget. Staff members shall report to and shall be subject to the direction of the executive director.

(10) The executive director shall present to the authority work plans for accomplishing the tasks delegated by the authority. Such plans shall be subject to review and approval by the authority. Progress reports and proposed revisions to plans or priorities shall be submitted to the authority for review and approval.

(11) These rules of procedure may, by a vote of an absolute majority of the members of the authority, be amended or suspended in any manner not inconsistent with the laws of the state: *Provided, however*, That such amendment or suspension shall not be operative during

the same meeting in which proposed, except by vote of two-thirds of those present or an absolute majority (six) of the members, whichever is greater. [Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-040, filed 3/6/81; Order 0002, § 143-06-040, filed 9/12/73.]

WAC 143-06-050 Public records available. All public records of the authority, as defined in WAC 143-06-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 42.17 RCW and WAC 143-06-100. [Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-050, filed 3/6/81; Order 0002, § 143-06-050, filed 9/12/73.]

WAC 143-06-060 Public records officer. The authority's public records shall be in charge of the public records officer designated by the executive director of the authority. The person so designated shall be located in the administrative office of the authority. The public records officer shall be responsible for the following: The implementation of the authority's rules and regulations regarding release of public records, coordinating the staff of the authority in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW. [Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-060, filed 3/6/81; Order 0002, § 143-06-060, filed 9/12/73.]

WAC 143-06-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the authority. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays. [Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-070, filed 3/6/81; Order 0002, § 143-06-070, filed 9/12/73.]

WAC 143-06-080 Requests for public records. In accordance with requirements of chapter 42.17 RCW 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 authority (Appendix A: WAC 143-06-990) which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the authority's staff, if the public records officer is not available, at the administrative office of the authority 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) An appropriate description of the record is 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. [Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-080, filed 3/6/81; Order 0002, § 143-06-080, filed 9/12/73.]

WAC 143-06-090 Copying. No fee shall be charged for the inspection of public records. The authority shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the authority's copy equipment. This charge is the amount necessary to reimburse the authority for its actual costs incident to such copying. [Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-090, filed 3/6/81; Order 0002, § 143-06-090, filed 9/12/73.]

WAC 143-06-100 Exemptions. (1) The authority reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 143-06-080 is exempt under the provisions of section 31, chapter 42.17 RCW.

(2) In addition, pursuant to RCW 42.17.260, the authority reserves the right to delete identifying details when it makes available or publishes any public record, in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully 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 records withheld. [Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-100, filed 3/6/81; Order 0002, § 143-06-100, filed 9/12/73.]

WAC 143-06-110 Review of denials of public records request. (1) Any person who objects to the denial of a request for a public record may petition for review of such decision by tendering a written request to the executive director 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) The executive director shall consider the matter and either affirm or reverse such denial or call a special meeting of the authority as soon as legally possible to

review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the authority has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-110, filed 3/6/81; Order 0002, § 143-06-110, filed 9/12/73.]

WAC 143-06-120 Protection of public records. (1) No person shall knowingly alter, deface or destroy public records of the authority.

(2) Original copies of public records of the authority shall not be removed from the administrative offices of the authority.

(3) Care and safekeeping of public records of the authority, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the authority shall not be permitted. [Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-120, filed 3/6/81; Order 0002, § 143-06-120, filed 9/12/73.]

WAC 143-06-130 Records index. (1) The authority has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

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

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

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

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index promulgated by the authority shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-130,

filed 3/6/81; Order 0002, § 143-06-130, filed 9/12/73.]

WAC 143-06-140 Communications with the authority. All communications with the authority including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules; requests for copies of the authority's decisions and other matters, shall be addressed as follows: Washington State Data Processing Authority, c/o Public Records Officer, 9th and Columbia Building, Olympia, Wash. 98504. [Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-140, filed 3/6/81; Order 0002, § 143-06-140, filed 9/12/73.]

WAC 143-06-150 Adoption of form. The authority 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 records." [Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-150, filed 3/6/81; Order 0002, § 143-06-150, filed 9/12/73.]

WAC 143-06-160 Records in possession of data processing service centers. No public records of users of data processing service centers shall be made available for public inspection or copying by the center without the express written authorization of the user.

Requests for inspection or copying of public records of the user, held or maintained by the center, shall be referred to the user for determination as to the right of public access to such records, pursuant to chapter 42.17 RCW. Costs incurred by the center in providing access to or copies of public records of the user pursuant to chapter 42.17 RCW shall be paid by the user. [Order 0005, § 143-06-160, filed 4/17/75.]

WAC 143-06-990 Appendix A--Form--Request for public records.

REQUEST FOR PUBLIC RECORDS

TO: WASHINGTON STATE DATA PROCESSING AUTHORITY

1. (Requestor's Name - Print) (Requestor's Signature)
2. (Requestor's Organization - if applicable)
3. (Requestor's Mailing Address)
4. (Date of Request) (Phone No.) (Time of Day)

5. NATURE OF REQUEST

6. Document(s) Reference Identification from Public Records Index

7. Description of Document(s) Requested

8. If the requested documents are or include a list of individuals or companies state the purpose for which list is intended and sign the following acknowledgement: I promise that the list of individuals or firms furnished hereunder will not be used for commercial purposes.

Purpose:

(Signature)

(Signature required on reverse side prior to release of requested information.)

Public records of the authority are provided for inspection and copying subject to the following regulations:

- (1) No person shall knowingly alter, deface or destroy public records of the authority.
(2) Original copies of public records of the authority shall not be removed from the administrative offices of the authority.
(3) Care and safekeeping of public records of the authority, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.
(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.
(5) Boisterous or otherwise disruptive conduct by those requesting public records of the authority shall not be permitted.
(6) The charge for providing electrostatic copies of public records is ten cents (10¢) per 8 1/2 x 11 inch page.

I have read, understand and will comply with the above-stated regulations.

(Signature and date)

[Statutory Authority: Chapter 43.105 RCW. 81-07-004 (Order 004), § 143-06-990, filed 3/6/81; Order 0002, Appendix A (codified as WAC 143-06-990), filed 9/12/73.]

**Chapter 143-10 WAC
STATE ENVIRONMENTAL POLICY ACT
GUIDELINES**

WAC

143-10-010 Authority activities exempt.

WAC 143-10-010 Authority activities exempt. (1) The Washington state data processing authority is a coordinating and planning body created by chapter 43.105 RCW. It is authorized to acquire automatic data processing equipment and approve acquisition by other state agencies. The authority has reviewed its functions with regard to the application of SEPA and finds that all its authorized activities have been exempted by WAC 197-10-040(2) and 197-10-150 through 197-10-190. More specifically, but not limited to the following, its activities are exempt under WAC 197-10-170 (7), (8), (11), (16), (17) and (21).

(2) In accordance with WAC 197-10-800(4), the authority adopts this statement in compliance with the requirements of RCW 43.21C.120. [Order 76-01, § 143-10-010, filed 10/19/76.]