

Title 143 WAC

INFORMATION SERVICES, DEPARTMENT OF

(Formerly: Data Processing Authority)

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

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 143-06-990 Appendix A--Form--Request for public records. [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.] Repealed by 89-05-007 (Order 89-1), filed 2/8/89. Statutory Authority: Chapter 42.17 RCW.

WAC 143-06-010 Purpose. The purpose of this chapter shall be to adopt rules descriptive of the Washington state department of information services and the information services board and to ensure compliance with the provisions of chapter 42.17 RCW (Initiative 276), and in particular with RCW 42.17.250 through 42.17.320, dealing with public records.

[Statutory Authority: Chapter 42.17 RCW. 88-21-029 (Order 88-1), § 143-06-010, filed 10/11/88. 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 department of information services is the agency created by chapter 504, Laws of 1987, hereinafter referred to as the department.

(4) The Washington state information services board is appointed by the governor pursuant to chapter 504, Laws of 1987. The Washington state information services board shall hereinafter be referred to as the board.

[Statutory Authority: Chapter 42.17 RCW. 88-21-029 (Order 88-1), § 143-06-020, filed 10/11/88. 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 organization. (1) The board shall conduct its business through the administrative office of the department. The administrative office is located in the Jefferson Building, Olympia, Wash., 98504.

(2) The board is composed of seven persons appointed by the governor, and one person selected by the chief justice of the supreme court, and one member selected by the president of the senate and the speaker of the house of representatives to carry out the duties contained in chapter 43.105 RCW as amended. The administrative head of the board is the director of the department of information services, hereinafter referred to as the director. All communications, requests and business shall be forwarded to the director at the aforesaid designated administrative office of the board.

(3) The department is composed of a services component and a planning component.

(4) The board and department are chartered by the legislature to provide for coordinated planning and management of state information services.

[Statutory Authority: Chapter 42.17 RCW. 88-21-029 (Order 88-1), § 143-06-030, filed 10/11/88. 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 board and of the department, 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 RCW 42.17.310 and WAC 143-06-100.

[Statutory Authority: Chapter 42.17 RCW. 88-21-029 (Order 88-1), § 143-06-050, filed 10/11/88. 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 board and the department's public records shall be in the charge of the public records officer designated by the director. The person so designated shall be located in the administrative office of the board and the department. The public records officer shall be responsible for the following: The implementation of the board and the department's rules and regulations regarding release of public records, and generally insuring compliance with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: Chapter 42.17 RCW. 88-21-029 (Order 88-1), § 143-06-060, filed 10/11/88. 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 administrative office. For the purposes of this chapter, the customary office hours shall be from 8:30 a.m. to noon and from 1 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: Chapter 42.17 RCW. 88-21-029 (Order 88-1), § 143-06-070, filed 10/11/88. 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. 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 department which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the department's administrative office, if the public records

officer is not available, at the administrative office of the department 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 42.17 RCW. 88-21-029 (Order 88-1), § 143-06-080, filed 10/11/88. 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 department shall charge a fee of twenty-five cents per page of copy for providing copies of public records and for use of the department's copy equipment. This charge is the amount necessary to reimburse the department for its actual costs incident to such copying.

[Statutory Authority: Chapter 42.17 RCW. 88-21-029 (Order 88-1), § 143-06-090, filed 10/11/88. 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 department 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 RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the department 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 42.17 RCW. 88-21-029 (Order 88-1), § 143-06-100, filed 10/11/88. 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

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 director shall consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the director 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 42.17 RCW. 88-21-029 (Order 88-1), § 143-06-110, filed 10/11/88. 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 board and department.

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

(3) Care and safekeeping of public records of the board and department, 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 board and department shall not be permitted.

[Statutory Authority: Chapter 42.17 RCW. 88-21-029 (Order 88-1), § 143-06-120, filed 10/11/88. 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. The department has available to all persons a current index which provides identifying information as to the records of the board and department.

[Statutory Authority: Chapter 42.17 RCW. 88-21-029 (Order 88-1), § 143-06-130, filed 10/11/88. 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 board and department. All communications with the board and department 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 board and department's decisions and other matters, shall be addressed as follows: Washington State Department of Information Services, c/o Public Records Officer, Jefferson Building, Olympia, Wash. 98504.

[Statutory Authority: Chapter 42.17 RCW. 88-21-029 (Order 88-1), § 143-06-140, filed 10/11/88. 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 department hereby adopts state form 276 for use by all persons requesting inspection and/or copying or copies of records of the department or the board.

[Statutory Authority: Chapter 42.17 RCW. 88-21-029 (Order 88-1), § 143-06-150, filed 10/11/88. 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.]

Chapter 143-10 WAC STATE ENVIRONMENTAL POLICY ACT GUIDELINES

WAC

143-10-010 Board and department activities exempt.

WAC 143-10-010 Board and department activities exempt. The Washington state department of information services and the information services board have reviewed their authorized activities and found them to be exempt from the provisions of Title 197 WAC. This statement is provided as compliance with the requirements that the board and department adopt guidelines consistent with Title 197 WAC.

[Statutory Authority: Chapter 42.17 RCW. 88-21-029 (Order 88-1), § 143-10-010, filed 10/11/88; Order 76-01, § 143-10-010, filed 10/19/76.]