

honesty, or corruption, whether the act constitutes a crime or not.

(2) A certified instructor is authorized to conduct an approved program of instruction and testing for firearms certification of private security guards and private detectives. The certified instructor shall not be considered an employee, agent, contractor, or representative of the commission.

(3) The commission may monitor and review the program of instruction and testing conducted by a certified instructor for the purpose of determining compliance with the commission's program materials and standards.

(4) Certified instructor status may be revoked by the commission for cause, including, but not limited to:

(a) Misrepresentation of facts on the initial application for instructor certification; or

(b) Conviction of a gross misdemeanor or felony; or conviction of a misdemeanor involving the use or threatened use of a firearm; or the commission of any act involving moral turpitude, dishonesty, or corruption, whether the act constitutes a crime or not; or

(c) Failure to conduct the armed private guard or armed private detective firearms certification/recertification program as prescribed by the commission; or

(d) Falsification of any documentation or score relating to the firearms certification/recertification program; or

(e) Unsafe firearms handling during the firearms certification/recertification process.

(5) The commission may require periodic instructor update training at its discretion, but no more frequently than once a year.

[Statutory Authority: RCW 43.101.080(2), 92-02-042, § 139-37-005, filed 12/24/91, effective 1/24/92.]

#### WAC 139-37-010 Firearms certification--Records.

(1) A master record of firearms certificate issuances by the commission to private security guards and private detectives shall be maintained by the commission.

(2) A master record of certified instructors for purposes of chapters 139-30 and 139-35 WAC shall be maintained by the commission.

(3) The aforementioned records shall be accessible by any individual, organization, private security company, or private detective agency making written inquiry to the commission at its administrative offices, P.O. Box 0905, Olympia WA 98504-0905.

[Statutory Authority: RCW 43.101.080(2), 92-02-042, § 139-37-010, filed 12/24/91, effective 1/24/92.]

### Title 143 WAC INFORMATION SERVICES, DEPARTMENT OF (Formerly: Data Processing Authority)

**Chapter**  
**143-06**      **Practice and procedure of agency--Public records.**

### Chapter 143-06 WAC PRACTICE AND PROCEDURE OF AGENCY-- PUBLIC RECORDS

WAC  
143-06-130      Records index.

**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. Agency records are indexed and retained as follows:

The generic index for department records is located in the office of the DIS Public Records Officer, at 1110 South Jefferson, Olympia, Washington 98504. This index lists public records as required by RCW 42.17.260, and indicates the division of the department in which they are located. Specific forms and documents are retained in the divisions as identified on the records retention schedules established by the division of state archives of the office of the secretary of state. These schedules are available to the public through the public records officer.

[Statutory Authority: RCW 43.17.060, 91-07-033, § 143-06-130, filed 3/15/91, effective 4/15/91. 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.]

### Title 154 WAC DEFERRED COMPENSATION, COMMITTEE FOR

**Chapter**  
**154-300**      **Public records.**

#### Chapter 154-300 WAC PUBLIC RECORDS

WAC  
154-300-005      Description of committee for deferred compensation.  
154-300-010      Purpose.  
154-300-020      Definitions.  
154-300-030      Public records officer.  
154-300-040      Office hours.  
154-300-050      Request for public records.  
154-300-060      Copying.  
154-300-070      Exemptions.  
154-300-080      Review of denials of public records request.  
154-300-090      Protection of public records.  
154-300-100      Records index.  
154-300-110      Request for records by mail--Address.  
154-300-120      Adoption of form.

**WAC 154-300-005 Description of committee for deferred compensation.** 1. The committee for deferred compensation is a state agency charged with the responsibility of administering deferred compensation and dependent care salary reduction programs for the benefit of state employees, and in the case of deferred compensation, to eligible employees of the state's political sub-

divisions, as authorized by RCW 41.04.260 and 41.04.600 through 41.04.645.

2. The committee for deferred compensation is composed of five members appointed by the governor, one of whom shall be a representative of an employee association or union certified as an exclusive representative of at least one bargaining unit of classified employees, one who shall be a representative of either a credit union, savings and loan association, mutual savings bank or bank, one who possesses expertise in the area of insurance or investment of public funds, one who shall be the state attorney general or his designee, and one additional member selected by the governor. The committee normally meets quarterly. Additional meetings are scheduled as necessary.

3. The agency staff consists of an executive director appointed by the committee. The executive director is responsible for administering the daily operations of the agency, and for performing any additional duties delegated by the committee. Staff members are employed by the executive director and include three division managers: Marketing, accounting and program.

4. The administrative offices of the committee for deferred compensation and its staff are located at 2600 Martin Way, Suite D, Olympia, Washington 98504-6711.

[Statutory Authority: Chapter 41.04 RCW. 91-05-084, § 154-300-005, filed 2/20/91, effective 3/23/91.]

**WAC 154-300-010 Purpose.** The purpose of this chapter is to ensure compliance by the committee for deferred compensation with the provisions of chapter 42.17 RCW, and in particular with RCW 42.17.250 through 42.17.320, dealing with public records.

[Statutory Authority: Chapter 41.04 RCW. 91-05-084, § 154-300-010, filed 2/20/91, effective 3/23/91.]

**WAC 154-300-020 Definitions.** (1) "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 the 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, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punch cards, discs, drums and other documents.

(3) "Committee" means the committee for deferred compensation appointed pursuant to RCW 41.04.260.

(4) "Director" means the executive director of the committee for deferred compensation.

[Statutory Authority: Chapter 41.04 RCW. 91-05-084, § 154-300-020, filed 2/20/91, effective 3/23/91.]

**WAC 154-300-030 Public records officer.** The committee's 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 committee. The public records officer shall be responsible for the following: The implementation of the department's rules and regulations regarding release of public records, coordinating the staff of the department in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: Chapter 41.04 RCW. 91-05-084, § 154-300-030, filed 2/20/91, effective 3/23/91.]

**WAC 154-300-040 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the committee. 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.

[Statutory Authority: Chapter 41.04 RCW. 91-05-084, § 154-300-040, filed 2/20/91, effective 3/23/91.]

**WAC 154-300-050 Request 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 committee which shall be available at its administrative office. The form shall be presented to the public records officer, or to any member of the committee's administrative office if the public record's officer is not available, at the administrative office of the committee 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; and

(e) An appropriate description of the record requested, if the requested matter is not identifiable by reference to the committee's current index.

(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 41.04 RCW. 91-05-084, § 154-300-050, filed 2/20/91, effective 3/23/91.]

**WAC 154-300-060 Copying.** No fee shall be charged for the inspection of public records. The department shall charge a reasonable fee for providing copies of public records and for use of the committee's copy equipment to reimburse the committee for its actual cost incident to such copying.

[Statutory Authority: Chapter 41.04 RCW. 91-05-084, § 154-300-060, filed 2/20/91, effective 3/23/91.]

**WAC 154-300-070 Exemptions.** (1) The depart-

ment reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 154-300-050 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the committee 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 the disclosure of such details would violate personal privacy or endanger vital governmental interest. After such data is deleted, the remainder of the record shall be made available.

(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 41.04 RCW. 91-05-084, § 154-300-070, filed 2/20/91, effective 3/23/91.]

**WAC 154-300-080 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 41.04 RCW. 91-05-084, § 154-300-080, filed 2/20/91, effective 3/23/91.]

**WAC 154-300-090 Protection of public records.** (1) No person shall knowingly alter, deface or destroy public records of the committee.

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

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

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

[Statutory Authority: Chapter 41.04 RCW. 91-05-084, § 154-300-090, filed 2/20/91, effective 3/23/91.]

**WAC 154-300-100 Records index.** (1) The committee has available to all persons a current index which provides identifying information as to the following records:

(a) All records issued before July 1, 1990, for which the agency has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990; and

(e) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990.

(2) 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.

[Statutory Authority: Chapter 41.04 RCW. 91-05-084, § 154-300-100, filed 2/20/91, effective 3/23/91.]

**WAC 154-300-110 Request for records by mail--Address.** All communications with the committee including but not limited to the submission of materials pertaining to its operation and/or the administration or enforcement of chapter 42.17 RCW and these rules and all requests for copies of the committee's decisions and other matters shall be addressed to the committee's administrative offices as follows: Committee for Deferred Compensation, c/o Public Records Officer, 2600 Martin Way, Suite D, Olympia, WA 98504-6711.

[Statutory Authority: Chapter 41.04 RCW. 91-05-084, § 154-300-110, filed 2/20/91, effective 3/23/91.]

**WAC 154-300-120 Adoption of form.** The committee hereby adopts the following forms for use by all persons requesting inspection and/or copies of records of the committee, attached hereto as Form A and Form B. Form B shall be completed when the request is for a list of individuals.

**FORM A**

**REQUEST FOR PUBLIC RECORDS**

Name of Requester: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Date of Request: \_\_\_\_\_ Time of Request: \_\_\_\_\_

Nature of Request: \_\_\_\_\_  
1. Index Reference \_\_\_\_\_  
2. If not identifiable by reference to the index, then describe the document(s) in detail \_\_\_\_\_

Signature \_\_\_\_\_

For Office Use Only:

(1) Request \_\_\_\_\_ Record \_\_\_\_\_  
Granted ( ) Withheld ( ) In part ( )

(2) If withheld, name the exemption contained in chapter 42.17 RCW or other statute which authorizes the

withholding of the record or part or record:

(3) If withheld, briefly explain how the exemption applies to the record withheld.

(4) If request granted, time \_\_\_\_\_, day \_\_\_\_\_.

FORM B  
COMMITTEE FOR DEFERRED COMPENSATION, PUBLIC RECORDS ACCESS

STATE OF WASHINGTON }  
COUNTY OF \_\_\_\_\_ } ss. AFFIDAVIT TO  
RELEASE PUBLIC RECORDS

\_\_\_\_\_  
(Name and Address)

having been duly sworn, deposes and says:

1. I have requested copies of the following public records:

2. I understand that Washington state law, RCW 42.17.260(5), prohibits the use of lists of individuals for commercial purposes.

3. I understand that the use for commercial purposes of said records may also violate the rights of the individuals named therein and may subject me to liability for such commercial use.

4. I understand that section 2 and 3 herein apply when I use said records for commercial purposes and when others use said records or copies of same for commercial purposes. I understand that I may be liable in either case.

5. I understand that "commercial purposes" means that the person requesting the record intends that the list will be used to communicate with the individuals named in the record for the purpose of facilitating profit expecting activity.

6. Therefore, I do hereby swear and affirm on oath and under penalty of law that I will not use said records for commercial purposes and that further, it is my affirmative duty to prevent others from using said records for commercial purposes.

7. I do further swear and affirm on oath and under penalty of law that I will protect and hold harmless, including the cost of defending, the agency and its agents and employees from which I have obtained said records from any and all claims arising either directly or indirectly from the commercial use of said records.

\_\_\_\_\_  
Signature

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the  
state of Washington residing at

[Statutory Authority: Chapter 41.04 RCW. 91-05-084, § 154-300-120, filed 2/20/91, effective 3/23/91.]

Title 172 WAC

EASTERN WASHINGTON UNIVERSITY

Chapters

172-123

Scholarships.

172-190

Implementation of the Family Educational Rights and Privacy Act of 1974.

Chapter 172-123 WAC  
SCHOLARSHIPS

WAC

172-123-010 Scholarships.

**WAC 172-123-010 Scholarships.** Detailed information concerning the criteria, eligibility, and procedures for application and other information regarding scholarships at Eastern Washington University is available in the EWU Office of Financial Aid and Scholarships; Cheney, WA 99004-2496.

[Statutory Authority: RCW 28B.35.120(12). 92-02-052, § 172-123-010, filed 12/30/91, effective 1/30/92.]

Chapter 172-190 WAC

IMPLEMENTATION OF THE FAMILY  
EDUCATIONAL RIGHTS AND PRIVACY ACT OF  
1974

WAC

172-190-010

Purpose.

172-190-020

Definitions.

172-190-030

Right of inspection.

172-190-035

Availability of directory information.

172-190-040

Access permitted to university and certain other officials without consent.

172-190-050

Distribution of information to others.

172-190-060

Notice of rights given under Family Educational Rights and Privacy Act of 1974.

172-190-070

Requests for access to student records.

172-190-080

Determination regarding records.

172-190-090

Review proceeding available.

172-190-100

Right of students to register objections.

**WAC 172-190-010 Purpose.** The purpose of this chapter is to comply with the requirements of Public Law 93-380, § 513, of 1974, also annotated as 20 U.S.C.A. 1232, which law represents amendments to the General Education Provisions Act. As indicated in the aforesaid law, its purpose is to assure that students attending institutions of higher education such as Eastern Washington University shall have a right to inspect certain records and files intended for school use or made available to parties outside the university.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-010, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-010 (codified as WAC 172-190-010), filed 3/3/75.]

**WAC 172-190-020 Definitions.** The following definitions shall apply in interpreting these regulations:

(1) "Education records" are defined as records, files, documents, and other materials which contain informa-