Chapter 284-03 WAC
PUBLIC RECORDS

WAC

PUBLIC RECORDS REQUESTS

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

284-03-080 Requests for public records. [Order R-75-1, § 284-03-080, filed 5/19/75.] Repealed by 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250.

284-03-090 Copying fees. [Statutory Authority: RCW 42.17.250 and 42.17.300. 79-08-024 (Order R 79-4), § 284-03-090, filed 7/12/79; Order R-75-1, § 284-03-090, filed 5/19/75.] Repealed by 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250.

284-03-110 Review of denials of public records request. [Order R-75-1, § 284-03-110, filed 5/19/75.] Repealed by 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250.

284-03-120 Protection of public records. [Order R-75-1, § 284-03-120, filed 5/19/75.] Repealed by 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250.

284-03-130 Consumer complaints and inquiries. [Order R-75-1, § 284-03-130, filed 5/19/75.] Repealed by 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.-250, 48.17.300, 70.02.050 and 42.17.250.

284-03-140 Adoption of forms. [Order R-75-1, § 284-06-140 (codified as WAC 284-03-140), filed 5/19/75.] Repealed by 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250.

284-03-990 Form 276-1—Request for inspection of records. [Order R-75-1, Form 276-1 (codified as WAC 284-03-990), filed 5/19/75.] Repealed by 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250.

284-03-99001 Form 276-2—Request for photocopy of record(s). [Order R-75-1, Form 276-2 (codified as WAC 284-03-99001), filed 5/19/75.] Repealed by 04-15-157 (Matter No. R 2003-10), filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250.

PUBLIC RECORDS REQUESTS

WAC 284-03-005 What is a public record? "Public record" is defined in RCW 42.17.020. Public records include any written or recorded communication containing information relating to the conduct of the OIC or the performance of any governmental or proprietary function prepared, owned, used, or retained by the OIC.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-005, filed 7/21/04, effective 8/21/04.]

WAC 284-03-010 Who should I contact about a public record request? The public records officer is in charge of all records maintained by the office of the insurance commissioner (OIC). This includes records at any office in the state maintained by the insurance commissioner. The public records officer is responsible for overseeing the release of public records, coordinating OIC public disclosure staff, and maintaining the records indexes.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-010, filed 7/21/04, effective 8/21/04; Order R-75-1, § 284-03-010, filed 5/19/75.]

WAC 284-03-015 How do I make a public record request? Public record requests must be made in writing. The OIC accepts written public record requests made in person or sent by e-mail, fax, or mail. Requests will be accepted either:

(1) On an OIC Public Disclosure Request form. The forms are available on the OIC web site or by contacting the public records officer; or

(2) If the OIC form is not used, the public record request should be in writing and include the following information:

(a) The name of the person requesting the record;

(b) The calendar date on which the request was made;

(c) A sufficient description of the record requested; and

(d) If the information you are requesting may include a list of individuals, a statement that the list will not be used for commercial purposes.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-015, filed 7/21/04, effective 8/21/04.]

WAC 284-03-020 What records indexes are available? The OIC does not maintain or have custody of all agency records. Historical records are sent to the secretary of the state's archives division. The OIC maintains a current index providing identifying information regarding OIC public records. The index is available to all persons under the

same rules and on the same conditions as are applied to public records available for inspection. The records are indexed:

(1) By appropriate names;

(2) By calendar year;

(3) By topic; or

(4) A combination of the above methods, as appropriate.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-020, filed 7/21/04, effective 8/21/04; Order R-75-1, § 284-03-020, filed 5/19/75.]

WAC 284-03-025 Is the OIC required to create public records for me? The Public Disclosure Act (RCW 42.17.250 through 42.17.348) requires access to existing, identifiable public records in an agency's possession at the time of the request (see RCW 42.17.270). The OIC is not required to collect or organize data to create a public record that does not exist at the time of the public record request.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-025, filed 7/21/04, effective 8/21/04.]

WAC 284-03-030 How will the OIC respond to my public record request? (1) For purposes of this chapter, the functions, organization and administration of the office relating to insurance matters shall be as set forth in chapter 284-02 WAC.

Within five business days after receiving a request, the OIC will either:

(a) Provide the record(s);

(b) Acknowledge your request and give you a reasonable estimate of how long the agency will take to provide records. If your request is not clear, the OIC may ask you for more information (see WAC 284-03-035); or

(c) Deny all or part of the request in writing, with reasons for the denial (see WAC 284-03-040 and 284-03-045). The explanation will include the law the OIC relied upon in its denial. Every denial will be sent to the public records officer for review as required by RCW 42.17.320.

(2) At his or her discretion, the public records officer may send the requested records to you by e-mail, fax, or mail. The records may be delivered on computer or compact disks, or by use of other methods of transmittal or storage.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-030, filed 7/21/04, effective 8/21/04; Order R-75-1, § 234-03-030 (codified as WAC 284-03-030), filed 5/19/75.]

WAC 284-03-035 Why might the OIC need to extend the time to respond to a public record request? The OIC may need to extend the time to respond to a public record request to:

(1) Locate and gather the information requested;

(2) Notify an individual or organization affected by the request;

(3) Determine whether the information requested is exempt from disclosure and whether all or part of the public record requested can be released; or

(4) Contact you to clarify the intent, scope or specifics of the request. If you fail to clarify the request, the OIC may not have to respond to your request.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-035, filed 7/21/04, effective 8/21/04.]

WAC 284-03-040 What happens if the public record I requested is exempt from disclosure? If the OIC determines that a record is exempt from disclosure, you will be informed in writing of the specific exemption authorizing the OIC to withhold the record.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-040, filed 7/21/04, effective 8/21/04; Order R-75-1, § 284-03-040, filed 5/19/75.]

WAC 284-03-045 What happens if only part of the record I requested is exempt? The OIC may delete identifying details or other information when there is reason to believe the information is not subject to disclosure (see RCW 42.17.260 for an example). The public records officer will explain any deletion in writing.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-045, filed 7/21/04, effective 8/21/04.]

WAC 284-03-050 Will the OIC review the denial of my request? If the OIC denies your public record request, you may ask the OIC to review the denial. To request a review, you must:

(1) Make your request in writing;

(2) Specifically refer to the written exemption provided by the OIC; and

(3) Address the request for review to the OIC's public records officer.

After receiving your request for review, the public records officer will refer the matter for review to the insurance commissioner or a designated deputy insurance commissioner. The commissioner or designee will either affirm or reverse the denial within two business days after the receipt of your request for review.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-050, filed 7/21/04, effective 8/21/04; Order R-75-1, § 284-03-050, filed 5/19/75.]

WAC 284-03-055 What are the fees to copy or inspect records? There is no cost to inspect records. Copying or duplicating fees are intended to equal the costs to the OIC, including costs of materials, machinery, and personnel. The fees charged will be reviewed periodically to assure their accuracy (see RCW 42.17.300). Contact the public records officer or check the OIC web site to find out the current fees.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-055, filed 7/21/04, effective 8/21/04.]

WAC 284-03-060 What records can I inspect and/or copy? You may inspect or get copies of all public records unless they are exempted by chapter 42.17 RCW, Title 48 RCW, chapter 19.108 or 70.02 RCW, or other applicable law.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-060, filed 7/21/04, effective 8/21/04. Statutory Authority: RCW 48.02.060, 48.02.160, 42.17.260 and 34.05.220. 90-18-037 (Order R 90-9), § 284-03-060, filed 8/28/90, effective 9/28/90; Order R-75-1, § 284-03-060, filed 5/19/75.]

WAC 284-03-065 When can I inspect or copy documents? You can inspect and copy public records at the OIC headquarters in Thurston County from 8:30 a.m. to noon and 1:00 p.m. to 4:30 p.m., Monday through Friday. Records are not available for inspection or copying on legal holidays. The OIC reserves the right to restrict your ability to examine or copy public records when the OIC believes it is necessary to preserve public records or prevent interference in the performance of agency duties. This does not prevent OIC from providing you with copies of the public records or limit the duty of the OIC to provide you with copies of the public records.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-065, filed 7/21/04, effective 8/21/04.]

WAC 284-03-070 Do I need to make an appointment? Appointments are not required but help the OIC provide prompt and efficient service. Since public records facilities and staff are limited, you should make an appointment with the public records officer. When making an appointment, please tell the public records officer what record(s) you would like to inspect or copy. Some records may be offsite, may need to be identified, or may be exempt from disclosure.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-070, filed 7/21/04, effective 8/21/04; Order R-75-1, § 284-03-070, filed 5/19/75.]

WAC 284-03-075 Can I take original records away from the OIC's office? No. You cannot take original records from the OIC's building. The OIC has a duty to protect public records (see RCW 42.17.290).

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-075, filed 7/21/04, effective 8/21/04.]

USE AND PROTECTION OF PERSONAL INFORMATION BY THE OIC

WAC 284-03-100 If I make a complaint or inquiry, how will the OIC use that information? The OIC will use the information you provide in a consumer complaint or inquiry to attempt to resolve your issue or inquiry. This includes contacting the business or person you complained about and any other persons, governments, businesses, or entities that may help the OIC resolve your complaint. If you do not wish the information to be disclosed by the OIC, you must state that in writing to the OIC. This may prevent the OIC from assisting you in resolving your issue.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-100, filed 7/21/04, effective 8/21/04; Order R-75-1, § 284-03-100, filed 5/19/75.]

WAC 284-03-105 Will the OIC protect my personal information? The OIC reserves the right to protect personal information, including health information, as permitted by RCW 42.17.250 through 42.17.348, chapter 70.02 RCW, Title 48 RCW, and other applicable state or federal laws.

[Statutory Authority: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050 and 42.17.250. 04-15-157 (Matter No. R 2003-10), § 284-03-105, filed 7/21/04, effective 8/21/04.]