Chapter 82-48 WAC
DISCLOSURE OF PUBLIC RECORDS

WAC

82-48-010 Purpose.
82-48-020 Definitions.
82-48-030 Description of the office of program planning and fiscal management.
82-48-040 Responsibilities.
82-48-050 Method of operation.
82-48-060 Public records available.
82-48-080 Public records officer.
82-48-090 Availability of records.
82-48-100 Inspection of public records.
82-48-110 Copying of public records.
82-48-120 Commercial purposes.
82-48-130 Agency rules for inspection and copying of public records.
82-48-140 Exemptions—Court protection.
82-48-150 Review of denial of public records request.
82-48-160 Records index.
82-48-170 Communications with the agency.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

82-48-070 Commercial purposes. [Order 34, § 82-48-070, filed 9/16/76.] Repealed by 05-01-004, filed 12/1/04, effective 1/2/05. Statutory Authority: RCW 42.17.260.

WAC 82-48-010 Purpose. The purpose of this chapter is to provide rules for the office of financial management to implement the provisions of chapter 42.17 RCW relating to public records.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-010, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-010, filed 9/16/76.]

WAC 82-48-020 Definitions. The definitions set forth in RCW 42.17.020 shall apply to this chapter.

(1) "OFM" or agency means the office of financial management. Where appropriate, OFM or agency also refers to the staff and employees of the office of financial management.

(2) "Director" means the director of the office of financial management.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-020, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-020, filed 9/16/76.]

WAC 82-48-030 Description of the office of program planning and fiscal management. OFM is the state agency having decision-making and operational responsibilities for the financial and management affairs of state government in accordance with chapters 43.41 and 43.88 RCW. It is organized into a budget division, an accounting division, labor relations division, executive policy division, and a contracting, forecasting and risk management division along with other divisions which support and augment these activities.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-030, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-030, filed 9/16/76.]

WAC 82-48-040 Responsibilities. The responsibilities of OFM include preparation of the governor's budget for presentation to the legislature and budget implementation monitoring through the operation of the budget and allotment systems, and maintenance of the statewide financial and administrative systems central books of account containing timely records of changes in the financial status of the state and other financial data bases. OFM also provides technical assistance to the governor and legislature by preparing notes and recommendations, based on information it has obtained, concerning needs and policies recommended for meeting these needs through state programs. In addition, OFM oversees statewide personal services contracting activities, provides a comprehensive risk management program for all state agencies and plays a critical role in statewide public employee labor management relations. Finally, the Revised Code of Washington contains statutes that assign specific duties of an advisory, supervisory, regulatory or similar nature to the agency. All of these relate either directly or indirectly to the financial affairs of the state and its agencies thereof.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-040, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-040, filed 9/16/76.]

WAC 82-48-050 Method of operation. In carrying out its responsibilities, OFM receives information about the management and operation of state agencies and their programs. This information includes, but is not limited to: Budget proposals, short and long-range goals and the plans developed to meet them, present and projected workloads, capital and operating resource requirements, detailed and summary reports of current expenditures, financial commitments, etc. This information is obtained both on a routine basis and in response to requests from the executive and legislative branches. It is recorded and evaluated by OFM and becomes the basis for reports, recommendations, approval of expenditures and, in certain cases, for the establishment of firm criteria for the disbursement of state funds. An example of the latter use is the annual determination of the population of all cities and towns in the state, required by RCW 43.62.030, which is the basis for distribution of tax revenues to these communities.

In obtaining the necessary data to perform these functions, OFM employs numerous methods of communication including, but not limited to: Reports submitted by state agencies, meetings with agency representatives, memoranda and informal contacts between its personnel and that of respondent agencies.

When necessary for the timely and uniform execution of its duties, OFM exercises its statutory power to place standardized reporting requirements upon other agencies of state government.

OFM has published and currently maintains the *State Administrative and Accounting Manual*, which contains policies, regulations and guidance for state agencies in fiscally-related matters.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-050, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-050, filed 9/16/76.]

WAC 82-48-060 Public records available. All public records of this agency, as defined in RCW 42.17.020, are available for public inspection and copying pursuant to these rules, except as otherwise provided by chapter 42.17 RCW, any other laws and these rules.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-060, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-060, filed 9/16/76.]

WAC 82-48-080 Public records officer. The public records officer, designated by the director, shall be in charge of the agency's public records. The person so designated shall be located in the office of the director. The public records officer shall be responsible for implementation of the agency's rules and regulations regarding release of public records for inspection and copying, coordinating the staff of the agency in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW. The public records officer may choose a designee, as may be necessary, to act in his or her absence to carry out the above-described responsibilities.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-080, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-080, filed 9/16/76.]

WAC 82-48-090 Availability of records. Public records of OFM shall be available for inspection and the preparation of requested copies in the office of the director or other agency location as applicable, during normal office hours. For the purposes of this chapter, normal office hours of OFM shall be from 8:00 a.m. until noon and from 1:00 p.m. until 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-090, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-090, filed 9/16/76.]

WAC 82-48-100 Inspection of public records. Public records of OFM required by any person to be disclosed in accordance with the provisions of chapter 42.17 RCW, shall be provided by the public records officer or his or her designee for inspection in the office of the director or other agency location as applicable. Persons requesting such records may not remove them from the agency office. Public records requested will be made available as promptly as is possible without excessive interference with the other essential functions of the agency, and in accordance with rules provided to protect the records so requested from damage or disorganization.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-100, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-100, filed 9/16/76.]

WAC 82-48-110 Copying of public records. No fee shall be charged for the inspection of public records. The agency may impose a charge for providing copies of public records. Such charges shall not exceed the amount necessary to reimburse the agency for its actual costs incident to such copying. If it is unduly burdensome for the agency to calculate the actual cost, OFM may charge $.15 per page. No person shall be provided a copy of a public record which has been copied by the agency at the request of such person until and unless such person has tendered payment of the charge for such copying.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-110, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-110, filed 9/16/76.]

WAC 82-48-120 Commercial purposes. No provisions of any regulation contained in this chapter 82-48 WAC shall be construed as giving authority to any officer or OFM employee to give, sell, or provide access to lists of individuals requested for commercial purposes. If a list of individuals is included in the materials requested, OFM reserves the right to request a signed statement that the requestor will not use the list of individuals for commercial purposes.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-120, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-120, filed 9/16/76.]

WAC 82-48-130 Agency rules for inspection and copying of 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, OFM has established procedures under which public records may be inspected and copies of such records obtained as follows:

(1) Written public records request may be sent to the agency by mail, facsimile or e-mail. Requests may be made in person or by telephone; however, the requesting party may be asked to reduce the request to writing. The purpose of requiring a written request is to assist the agency in tracking, managing and responding to requests in a timely and orderly fashion.

(2) The request shall include the name of the requesting party, contact information and the public records requested. Identification of the records requested shall be sufficiently described so that the agency may identify the record. If the record is not clearly identified, the requesting party may be asked for clarification.

(3) The public records officer or his or her designee may assist persons making public records requests to appropriately identify the public records being sought.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-130, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-130, filed 9/16/76.]

WAC 82-48-140 Exemptions—Court protection. OFM reserves the right to determine that a public record or portion of a public record requested in accordance with the procedures outlined in chapter 82-48 WAC is exempt from disclosure under the provisions of chapter 42.17 RCW.

In addition, pursuant to RCW 42.17.260, OFM reserves the right to delete identifying details when it makes available any public record in cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW.

Responses by OFM refusing, in whole or in part, inspection or copying of any public record shall be in writing and shall include a statement of the specific exemption authorizing the withholding of the public record or part and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-140, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-140, filed 9/16/76.]

WAC 82-48-150 Review of denial of public records request. Upon denial of any request for public records, the requesting party may petition for review of such denial to the director. The director or his or her designee shall review the denial and provide the results of such review in writing to the petitioner and the public records officer before the end of the second business day following the receipt of the request for review. This review shall constitute final agency action for purposes of judicial review.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-150, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-150, filed 9/16/76.]

WAC 82-48-160 Records index. The office of financial management shall maintain and make available for public inspection and copying an appropriate index in accordance with RCW 42.17.260.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-160, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-160, filed 9/16/76.]

WAC 82-48-170 Communications with the agency. All communications with OFM for the purpose of obtaining information, making submittals or requests, or making inquiries concerning the agency's rules for compliance with chapter 42.17 RCW shall be addressed as follows:

Office of Financial Management
Public Records Officer
300 Insurance Building
P.O. Box 43113
Olympia, WA 98504-3113

The telephone number of the public records officer is 360-902-0525. Or you can e-mail your request to public disclosure@ofm.wa.gov.

[Statutory Authority: RCW 42.17.260. 05-01-004, § 82-48-170, filed 12/1/04, effective 1/2/05; Order 34, § 82-48-170, filed 9/16/76.]