Chapter 495D-276 WAC
ACCESS TO PUBLIC RECORDS

WAC 495D-276-010 Purpose. The purpose of this chapter is to ensure that College District 26 complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

[Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-276-010, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-020 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 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, but not limited to, letters, words, pictures, sounds or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, disks, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

(3) "College District 26" is an agency organized by statute pursuant to RCW 28B.50.040. College District 26 shall hereafter be referred to as the "district." Where appropriate, the term "district" also refers to the staff and employees of the district.

[Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-276-020, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-030 Description of central and field organization of College District 26. (1) College District 26 is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the Lake Washington Institute of Technology campus within the city of Kirkland, Washington. The Lake Washington Institute of Technology campus likewise comprises the central headquarters for all operations of the district.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 495D-104-010. The board of trustees employs a president, an administrative staff, members of the faculty, and other employees. The board of trustees takes such actions and promulgates such rules and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the policies and procedures manual for Lake Washington Institute of Technology, a current copy of which is available for inspection at the administrative office of the district.


WAC 495D-276-040 Operations and procedures. (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the policies and procedures manual of Lake Washington Institute of Technology, a current copy of which is available for inspection at the administrative office of the district.


WAC 495D-276-050 Public records available. All public records of the district, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 or other statutes.

[Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-276-050, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the president. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules regarding release of public records, coordinating district employees in

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this regard, and generally ensuring compliance by district
employees with the public records disclosure requirements in
chapter 42.17 RCW.
[Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-276-060, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-070 Office hours. Public records shall
be available for inspection and copying during the customary
office hours of the district. For purposes of this chapter, the
customary office hours shall be from 7:30 a.m. to 4:30 p.m.,
Monday through Friday, excluding legal holidays and holi-
days established by the college calendar.
[Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-276-070, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-080 Requests for public records. In
accordance with the requirements of RCW 42.17.290 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 are only obtainable by members of the public
when those members of the public comply with the following
procedures:

(1) A request shall be made in writing. A form prescribed
by the district shall be available at the district administrative
office. The completed form shall be presented to the public
records officer or, if the public records officer is not avail-
able, to any member of the district's staff at the district admin-
istrative office 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 cur-
rent index maintained by the public records officer, a refer-
ence to the requested record as it is described in such current
index;
(e) If the requested matter is not identifiable by reference
to the current index, an appropriate description of the record
requested.

(2) In all cases in which a member of the public is mak-
ing a request, it shall be the obligation of the public records
officer, or person to whom the request is made, to assist
the member of the public in identifying the public record
requested.
[Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-276-080, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-090 Copying. No fee shall be charged
for the inspection of public records. The district may impose
a reasonable charge for providing copies of public records
and for the use by any person of agency equipment to copy
public records but such charges shall not exceed the amount
necessary to reimburse the district for its actual costs incident
to such copying. No person shall be released a record so cop-
ied until and unless the person requesting the copied public
record has tendered payment for such copying to the appro-
priate district employee. All charges must be paid by money
order, cashier's check, or cash in advance.

[Ch. 495D-276 WAC p. 2] [Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-276-090, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-100 Determination regarding
exempt records. (1) The district reserves the right to deter-
mine that a public record requested in accordance with the
procedures outlined in WAC 495D-276-080 is exempt pursu-
ant to RCW 42.17.310 or other statute. Such determination
may be made in consultation with an assistant attorney gen-
eral assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the
right to delete identifying details when it makes available or
publishes any public record when there is reason to believe
that disclosure of such details would be an unreasonable
invasion of personal privacy or impair a vital governmental
interest: Provided, however, In each case, the justification for
the deletion shall be explained fully in writing.

(3) Responses to requests for public records must be
made promptly. For the purposes of this section, a prompt
response occurs if the person requesting the public record is
notified within five business days as to whether his request
for a public record will be honored.

(4) Every denial of a request for public records must be
accompanied by a written statement, signed by the public
records officer or his/her designee, specifying the reason for
the denial, a statement of the specific exemption authorizing
the withholding of the record, and a brief explanation of how
the exemption applies to the public record withheld.
[Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-276-100, filed 7/16/92, effective 8/16/92.]

WAC 495D-276-110 Review of denials of public
records requests. (1) Any person who objects to the denial
of a request for a public record may petition for prompt
review of such decision by tendering a written request for a
brief adjudicative proceeding. The written request shall spe-
cifically refer to the written statement which constituted or
accompanied the denial.

(2) The written request by a person demanding prompt
review of a decision denying a public record shall be submit-
ted to the vice-president of administrative services, or his or
her designee.

(3) Within two business days after receiving the written
request by a person petitioning for a prompt review of a deci-
sion denying a public record, the vice-president, or his or her
designee, shall complete such review.

(4) During the course of the review the vice-president or
his or her designee shall consider the obligations of the dis-
trict to comply with the intent of chapter 42.17 RCW insofar
as it requires providing full public access to official records,
but shall also consider the exemptions provided in RCW
42.17.310 or other pertinent statutes, and the provisions of
the statute which require the district to protect public records
from damage or disorganization, prevent excessive interfer-
ence with essential functions of the agency, and prevent any
unreasonable invasion of personal privacy by deleting identi-
lying details.

(5) The vice-president or designee's decision shall be
final unless the requisition files a written appeal with the
president under RCW 34.05.491.

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WAC 495D-276-120 Protection of public records. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 495D-276-090.

WAC 495D-276-130 Records index. (1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after September 1, 1991:
   (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 any private party.

   (2) The current index maintained by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

WAC 495D-276-140 Adoption of form. The district shall adopt an appropriate form for use by all persons requesting inspection and/or copying or copies of its records.