

Chapter 182-04 WAC

PUBLIC RECORDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

182-04-030	Public records officer. [Order 01-77, § 182-04-030, filed 8/26/77.] Repealed by WSR 97-21-125, filed 10/21/97, effective 11/21/97. Statutory Authority: RCW 41.05-160.
182-04-065	Communication with the board. [Order 01-77, § 182-04-065, filed 8/26/77.] Repealed by WSR 97-21-125, filed 10/21/97, effective 11/21/97. Statutory Authority: RCW 41.05.160.

WAC 182-04-010 Purpose. The purpose of this chapter shall be to insure compliance by the Washington state health care authority (HCA) with the provisions of chapter 42.56 RCW dealing with public records.

[Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-010, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-010, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-010, filed 8/26/77.]

WAC 182-04-015 Definitions. The following definitions shall apply:

(1) "HCA" means the Washington state health care authority, created pursuant to chapter 41.05 RCW.

(2) "Public record" is defined in RCW 42.56.010. Except as otherwise provided by law, public records include any written or recorded communication containing information relating to the conduct of the HCA or the performance of any governmental or proprietary function prepared, owned, used, or retained by the HCA.

(3) "Writing" is defined in RCW 42.56.010. It includes 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, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

(8/27/10)

[Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-015, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-015, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-015, filed 8/26/77.]

WAC 182-04-020 Whom should I contact about a public records request? The HCA public records officer is in charge of responding to all records requests made to the HCA. The public records officer is responsible for overseeing the release of public records and coordinating HCA public disclosure staff.

[Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-020, filed 8/27/10, effective 9/27/10.]

WAC 182-04-025 How will the HCA respond to my public records request? (1) Except as provided by law, all public records of the HCA as defined in WAC 182-04-015(2) will be made available upon public request for inspection and copying.

(2) Within five business days after receiving a request, the HCA public disclosure officer, or designee will:

(a) Provide the record(s);

(b) Acknowledge your request and give you a reasonable estimate of how long the HCA will need to provide the records. If the request is not clear, the public disclosure officer may ask you for more information (see WAC 182-04-027). If you fail to clarify the request, the public disclosure officer need not respond to it; or

(c) Deny all or part of the public record request in writing with the reason(s) for the denial (see WAC 182-04-050 and 182-04-053).

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

[Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-025, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-025, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-025, filed 8/26/77.]

WAC 182-04-027 Why might the HCA need to extend the time to respond to a public record request? The HCA 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 HCA may not have to respond to your request.

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[Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-027, filed 8/27/10, effective 9/27/10.]

WAC 182-04-029 What records can I request and/or copy? You may inspect or get copies of all public records unless they are exempted by chapter 42.56, 19.183 or 70.02 RCW, or other applicable law.

[Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-029, filed 8/27/10, effective 9/27/10.]

WAC 182-04-035 When can I inspect or obtain copies of documents? You can inspect public records at the HCA in Thurston County from 9:00 a.m. until noon, and from 1:00 p.m. until 4:00 p.m., Monday through Friday. Records are not available on legal holidays or when the HCA offices are closed for other reasons such as inclement weather or emergencies. The HCA reserves the right to restrict your ability to examine public records when the HCA determines it is necessary to preserve public records or prevent interference with the performance of HCA duties. This does not prevent the HCA from providing you with copies of the public records or limit the duty of the HCA to provide you with copies of the public records.

[Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-035, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-035, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-035, filed 8/26/77.]

WAC 182-04-040 How do I make a public record request? In accordance with the requirements of chapter 42.56 RCW that agencies prevent unreasonable invasion of privacy, and to protect public records from damage or disorganization, and to prevent excessive interference with essential functions of the agency, public records may be inspected, or copies of such records may be obtained by the public, by using the following procedures:

(1) Public record requests should be made in writing. The HCA accepts written public record requests made in person or sent by e-mail, fax, or mail. To assist members of the public to make a formal request, forms are available on the HCA web site or by contacting the public records officer. A request need merely identify with reasonable certainty the record sought to be disclosed.

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

- (a) The name and contact information of the person requesting the record;
- (b) The calendar date on which the request was made;
- (c) A statement that the requested records are not to be used for commercial purposes; and
- (d) A detailed description of the record requested sufficient to make it identifiable.

(3) In all cases in which a member of the public is making a request, the public disclosure officer or staff member will assist to appropriately identify the public record requested, if necessary.

[Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-040, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-040, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-040, filed 8/26/77.]

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WAC 182-04-041 Preserving requested records. If a public record request is made at a time when such record exists but is scheduled for destruction in the near future, the public disclosure officer will retain possession of the record, and will not destroy or erase the record until the request is resolved.

[Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-041, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-041, filed 10/21/97, effective 11/21/97.]

WAC 182-04-045 Copying costs. (1) No fee is charged for the inspection of public records.

(2) The HCA collects the following fees to reimburse the HCA for its actual costs incident to providing copies of public records:

- (a) Fifteen cents per page for black and white photocopies; and
 - (b) The cost of postage, if any.
- (3) Copies of some records may be provided electronically or on disk to the requestor at no charge.
- (4) The public disclosure officer is authorized to waive the foregoing costs.

[Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-045, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-045, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-045, filed 8/26/77.]

WAC 182-04-050 What happens if the record I requested is exempt from disclosure? Certain records that you wish to review or copy are exempt from disclosure because of federal or state laws. If a record is exempt from disclosure, you will be informed in writing of the reasons why the HCA is withholding the record.

[Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-050, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-050, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-050, filed 8/26/77.]

WAC 182-04-055 Will the HCA review the denial of my request? If the HCA denies your public record request, you may ask the HCA to review the denial. To request a review, you must make your request in writing.

Following receipt of a written request for review of a decision denying a public record request, the disclosure officer will consider the matter and either affirm or reverse the denial. This shall constitute final HCA action for the purposes of judicial review, pursuant to RCW 42.56.520.

[Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-055, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-055, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-055, filed 8/26/77.]

WAC 182-04-060 Protection of public records. Following are guidelines which shall be adhered to by any person inspecting such public records:

(1) Inspection of any public records shall be conducted only during working hours as specified in WAC 182-04-035 in the presence of an HCA employee;

(2) Original records cannot be removed from the HCA building. The HCA has a duty to protect public records (see RCW 42.56.100);

(8/27/10)

(3) Public records shall not be marked, torn, or otherwise damaged;

(4) Public records must be maintained as they are in file or in a chronological order, and shall not be dismantled except for purposes of copying and then only by an HCA employee;

(5) Access to file cabinets and other places where public records are kept is restricted.

[Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-060, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-060, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-060, filed 8/26/77.]

WAC 182-04-070 Request for inspection of records.

The HCA hereby adopts for use by all persons requesting inspection and/or copying of its records, the form set out below, entitled "Request for Inspection of Records."

The information requested in Blocks 4 through 6 is not mandatory, however, the completion of these blocks will enable this office to expedite your request and contact you should the record you seek not be immediately available.

1. Name	4. Phone Number
.....
2. Address	5. Representing (if applicable)
.....
3. Zip Code	6. If urgent - date needed
.....

Below please state what record(s) you wish to inspect and be as specific as possible. If you are uncertain as to the type or identification of specific record or records we will assist you.

I certify that the information requested from the above record(s) will not be part of a list of individuals to be used for commercial purposes.

(Signed)

Date

Return the request for inspection of records to:

Public Disclosure Office
Health Care Authority
676 Woodland Square Loop S.E.
Post Office Box 42700
Olympia, Washington 98504-2700

[Statutory Authority: RCW 41.05.160, 42.56.040, and 70.02.050. WSR 10-18-051 (Order 10-01), § 182-04-070, filed 8/27/10, effective 9/27/10. Statutory Authority: RCW 41.05.160 and chapter 41.05 RCW. WSR 98-17-063, § 182-04-070, filed 8/17/98, effective 9/17/98. Statutory Authority: RCW 41.05.160. WSR 97-21-125, § 182-04-070, filed 10/21/97, effective 11/21/97; Order 01-77, § 182-04-070, filed 8/26/77.]