

Chapter 257-02 WAC

PUBLIC RECORDS

WAC

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WAC 257-02-020 Purpose. The purpose of this chapter shall be to ensure compliance by the home care quality authority with the provisions of chapter 42.17 RCW dealing with public records.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). WSR 04-20-110, § 257-02-020, filed 10/6/04, effective 11/6/04.]

WAC 257-02-040 Definitions. The following definitions shall apply to this chapter:

(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, 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.

(3) "Home care quality authority" means the authority established by chapter 3, Laws of 2002 (Initiative Measure No. 775). The home care quality authority shall be referred to as the "authority." The term authority refers to the authority board and, where appropriate, to the employees of the authority.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). WSR 04-20-110, § 257-02-040, filed 10/6/04, effective 11/6/04.]

WAC 257-02-060 Public records officer. The authority executive director is the authority's public records officer. The public records officer is responsible for implementing the authority's administrative rules regarding release of public records, coordinating the staff of the authority in this regard, and insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). WSR 04-20-110, § 257-02-060, filed 10/6/04, effective 11/6/04.]

(10/6/04)

WAC 257-02-080 Public records available. All public records of the authority as defined in WAC 257-02-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310. Public records shall be available for inspection and copying during the customary office hours of the authority. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 5:00 p.m., Monday through Friday excluding legal holidays.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). WSR 04-20-110, § 257-02-080, filed 10/6/04, effective 11/6/04.]

WAC 257-02-100 Requests for public records. (1) All requests for inspection or copying made in person at the authority's office shall be made on a form that includes:

(a) The name and address of the person making the request;

(b) The organization or group that the person represents;

(c) The calendar date and time of day of the inspection request;

(d) A description of the public records requested;

(e) A statement that the record will not be used for commercial purposes.

(2) A request for inspection or copying of public records may be made by mail in a letter containing the following information:

(a) The name and address of the person making the request;

(b) The organization or group that the person represents;

(c) The time of day and the calendar date on which the person wishes to inspect the public records;

(d) A description of the public records requested;

(e) A statement whether access to copying equipment is desired;

(f) A phone number where the person can be reached in case the public records officer or designee needs to contact the person for further description of the material or any other reason;

(g) A statement that the record will not be used for commercial purposes.

(3) All requests by mail should be received at the authority at least three business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection.

(4) The authority may, in its discretion, fill requests made by telephone.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). WSR 04-20-110, § 257-02-100, filed 10/6/04, effective 11/6/04.]

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WAC 257-02-120 Prompt responses required. The authority shall respond promptly to requests for public records to ensure compliance with the provisions of RCW 42.17.320. Within five business days of receiving a public record request, the authority must respond by either:

- (1) Providing the record;
- (2) Acknowledging that the authority has received the request and providing a reasonable estimate of the time the authority will require to respond to the request; or
- (3) Denying the public record request.

In acknowledging receipt of a public record request that is unclear, the authority may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the authority shall not be required to respond to it.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). WSR 04-20-110, § 257-02-120, filed 10/6/04, effective 11/6/04.]

WAC 257-02-140 Fees. No fee shall be charged for inspection of public records. The authority will charge a fee of fifteen cents per page for providing copies of public records. This charge is to reimburse the authority for costs incident to such copying. Postal charges will be added when applicable. No copies of records will be provided to the requestor until all such charges have been paid. The executive director or his or her designee is authorized to waive any of the foregoing copying costs for requests that require only a nominal number of copies.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). WSR 04-20-110, § 257-02-140, filed 10/6/04, effective 11/6/04.]

WAC 257-02-160 Statement of reasons for denial of public records request. When the authority refuses, in whole or in part, a written request for inspection of any public record, it shall include a statement of the specific exemption authorizing the refusal and a brief explanation of how the exemption applies to the record that is withheld.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). WSR 04-20-110, § 257-02-160, filed 10/6/04, effective 11/6/04.]

WAC 257-02-180 Protection of public records. In order to protect the public records of the authority, the following guidelines shall be adhered to by any person inspecting such public records:

- (1) No public records shall be removed from the authority's premises.
- (2) Inspection of any public record shall be conducted in the presence of a designated authority employee.
- (3) No public records may be marked or defaced in any manner during inspection.
- (4) Public records which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then only by the public records officer or designee.
- (5) Access to file cabinets, shelves, and other storage areas with public records is restricted to authority employees, unless other arrangements are made with the executive director or designee.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). WSR 04-20-110, § 257-02-180, filed 10/6/04, effective 11/6/04.]

WAC 257-02-200 Exemptions. (1) The authority reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 257-02-050 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260(1), the authority reserves the right to delete identifying details when it makes available or publishes any public record, in any case when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The justification for the deletion shall be explained fully in writing by the public records officer or designee.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for 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 record withheld.

[Statutory Authority: RCW 74.39A.280(3) and 74.39A.230 (1) and (2). WSR 04-20-110, § 257-02-200, filed 10/6/04, effective 11/6/04.]