

Chapter 132P-276 WAC

PUBLIC RECORDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132P-276-990	Appendix A—Request for public records. [Order 74-3, Appendix A (codified as WAC 132P-276-990), filed 12/6/74.] Repealed by WSR 00-01-076, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 28B.50-140.
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WAC 132P-276-010 Purpose. The purpose of this chapter shall be to ensure compliance by the college with the provisions of the state law dealing with public records, chapter 42.56 RCW.

[Statutory Authority: RCW 28B.50.140. WSR 09-24-049, § 132P-276-010, filed 11/24/09, effective 1/1/10; WSR 00-01-076, § 132P-276-010, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-010, filed 12/6/74.]

WAC 132P-276-020 Definitions. (1) Public records. "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. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, film and video recordings, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated, magnetic or punched cards, drums, and other documents.

(3) Community College District 16. Community College District 16 and Yakima Valley Community College were established pursuant to the Community College Act of 1967. Community College District 16 and Yakima Valley Community College shall hereinafter be referred to as the "college."

[Statutory Authority: RCW 28B.50.140. WSR 00-01-076, § 132P-276-020, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-020, filed 12/6/74.]

(11/24/09)

WAC 132P-276-021 Description of organization of the college. The college is a community college district organized under RCW 28B.50.040. The administrative offices of the college and its staff are located at Yakima Valley Community College, Nob Hill and South 16th Avenue, P.O. Box 22520, Yakima, WA 98907-2520.

(1) In addition to the Yakima Campus, the college offers educational programs throughout its district including a campus in Grandview and educational centers in Ellensburg, Toppenish, and Sunnyside.

(2) The college is organized into the following principal parts: President's office, administrative services division, and instruction and student services division.

[Statutory Authority: RCW 28B.50.140. WSR 00-01-076, § 132P-276-021, filed 12/13/99, effective 1/13/00.]

WAC 132P-276-022 Operations and procedures. The college is established under chapter 28B.50 RCW to implement the educational purposes established by chapter 28B.50 RCW. The college is operated under the supervision and control of a five-member board of trustees appointed by the governor. The board usually meets once a month in regular session on a date and time and place specified by public notice and at such special meetings as are announced by public notice. On occasion, the board may not meet at all in a particular month.

[Statutory Authority: RCW 28B.50.140. WSR 00-01-076, § 132P-276-022, filed 12/13/99, effective 1/13/00.]

WAC 132P-276-030 Public records available. All public records of the college, as defined in WAC 132P-276-020, are available for public inspection and copying pursuant to these rules, except as otherwise provided by chapter 42.56 RCW and chapter 132P-276 WAC or other applicable law.

[Statutory Authority: RCW 28B.50.140. WSR 09-24-049, § 132P-276-030, filed 11/24/09, effective 1/1/10; WSR 00-01-076, § 132P-276-030, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-030, filed 12/6/74.]

WAC 132P-276-040 Public records officer. Access to the college's public records shall be through the public records officer designated by the college. The person so designated shall be located in the administrative office of the college. The public records officer shall be responsible for implementing the college rules and regulations regarding release of public records, coordinating the staff of the college in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 42.56 RCW.

[Statutory Authority: RCW 28B.50.140. WSR 09-24-049, § 132P-276-040, filed 11/24/09, effective 1/1/10; WSR 00-01-076, § 132P-276-040, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-040, filed 12/6/74.]

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WAC 132P-276-050 Office hours. Public records shall be available for inspection and copying during the customary office hours of the college. For the purposes of this section, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding college holidays.

[Statutory Authority: RCW 28B.50.140, WSR 00-01-076, § 132P-276-050, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-050, filed 12/6/74.]

WAC 132P-276-060 Requests for public records. In accordance with requirements of chapter 42.56 RCW 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 may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the college which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the college's staff, if the public records officer is not available, at the administrative office of the college 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 of the request;
- (c) The nature of the request;
- (d) If the matter requested is referenced within an index maintained by the college, a reference to the requested record as described in such index;
- (e) If the requested matter is not identifiable by reference to an index, an appropriate description of the record requested.

(2) The public records officer shall reply to written requests within five business days of receipt of the request by:

- (a) Providing copies of the requested records;
- (b) Acknowledging receipt of the request and providing a reasonable estimate of the time the college will require to respond; or
- (c) Denying the public records request. Denials of requests for public records will be accompanied by a written statement specifying the reason for denial.

(3) Additional time to respond to a request may be based on the public records officer's need to ask that the requestor clarify the intent of the request, to locate and assemble the information, to notify third persons or agencies who are the subject of or affected by the request, or to determine whether any of the information requested is exempt. If the requestor fails to clarify the request, the college need not respond to it.

(4) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: RCW 28B.50.140, WSR 09-24-049, § 132P-276-060, filed 11/24/09, effective 1/1/10; WSR 00-01-076, § 132P-276-060, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-060, filed 12/6/74.]

WAC 132P-276-070 Charge for public records. No fee shall be charged for the inspection of public records.

(1) The college shall charge a fee of fifteen cents per page of copy for providing copies of written public records and for use of the college copy equipment. The college may charge the actual cost for providing copies of public records, including mailing costs and costs for duplicating audio tapes, video tapes, and other media. These charges are the amounts necessary to reimburse the college for its actual costs incident to such copying and mailing. All fees must be paid by money order, cashier's check, or cash in advance.

(2) The public records officer is authorized to waive the foregoing costs. Factors considered in deciding whether to waive costs include, but are not limited to: Providing the copy will facilitate administering the program and/or the expense of processing the payment exceeds the copying and postage cost.

[Statutory Authority: RCW 28B.50.140, WSR 00-01-076, § 132P-276-070, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-070, filed 12/6/74.]

WAC 132P-276-080 Exemptions. (1) The college reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132P-276-060 is exempt under the provisions of chapter 42.56 RCW or other applicable law.

(2) In addition, pursuant to RCW 42.56.210, the college reserves the right to delete identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy protected by state law or would impair a vital governmental interest. The public records officer will state the reason for such deletion in writing.

(3) The release or disclosure of student educational records is governed by the Federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g.

[Statutory Authority: RCW 28B.50.140, WSR 09-24-049, § 132P-276-080, filed 11/24/09, effective 1/1/10; WSR 00-01-076, § 132P-276-080, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-080, filed 12/6/74.]

WAC 132P-276-090 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 review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the president of the college. The president or designee shall consider the college's obligation to comply with the intent of chapter 42.56 RCW, the exemptions provided in RCW 42.56.210 or other pertinent statutes, and the statutory provisions which require the college to protect public records from damage or disorganization, prevent excessive interference with essential college functions, and prevent any unreasonable invasion of personal privacy by deleting identifying details. The president or designee shall complete the review within two business days after receiving the writ-

ten request for review of the decision denying a public record.

(3) Administrative remedies shall not be considered exhausted until the college has returned the petition with a decision, provided the requested record, or until the close of the second business day following denial of inspection has been reached, whichever occurs first.

(4) Whenever the college concludes that a public record is exempt from disclosure and denies inspection and copying, the requestor may request a review of the matter by the office of the attorney general or may file a lawsuit in superior court in the county where the agency record is maintained. A written request for review by the attorney general's office, along with a copy of the request and the college's written denial, should be sent to:

Office of the Attorney General
Public Records Review
P.O. Box 40100
Olympia, WA 98504-0100

The office of the attorney general will conduct a prompt and independent review of the request and the college's denial and provide a written opinion as to whether the record requested is exempt from disclosure. This review is not binding upon the college or the requestor.

[Statutory Authority: RCW 28B.50.140. WSR 09-24-049, § 132P-276-090, filed 11/24/09, effective 1/1/10; WSR 00-01-076, § 132P-276-090, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-090, filed 12/6/74.]

WAC 132P-276-100 Protection of public records.

Access to public records shall be restricted to the viewing area designated by the public records officer. No record shall be physically removed from the viewing area for any reason. Nor shall any member of the public who is viewing documents disassemble, deface, or cause the disorganization of documents for any reason whatsoever. Copies shall be made at the college. If copying facilities are not available at the college, the college will arrange to have copies made commercially.

[Statutory Authority: RCW 28B.50.140. WSR 00-01-076, § 132P-276-100, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-100, filed 12/6/74.]

WAC 132P-276-110 Records index. An index of all documents required to be indexed by RCW 42.56.070 shall be maintained at the president's office. The index shall be accessible to the public by request to the public records officer at the above office during customary working hours.

[Statutory Authority: RCW 28B.50.140. WSR 09-24-049, § 132P-276-110, filed 11/24/09, effective 1/1/10; WSR 00-01-076, § 132P-276-110, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-110, filed 12/6/74.]

WAC 132P-276-120 Adoption of form. The college shall adopt a form for use by all persons requesting inspection and/or copies of its public records.

[Statutory Authority: RCW 28B.50.140. WSR 00-01-076, § 132P-276-120, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-120, filed 12/6/74.]