

Chapter 304-20 WAC

STATE LIBRARY PUBLIC RECORDS—GENERAL POLICY

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

304-20-020	Definitions. [Order I-76, § 304-20-020, filed 4/22/76.] Repealed by WSR 00-11-028, filed 5/9/00, effective 6/9/00. Statutory Authority: RCW 27.04.030(1).
304-20-030	Public records officer. [Order I-76, § 304-20-030, filed 4/22/76.] Repealed by WSR 00-11-028, filed 5/9/00, effective 6/9/00. Statutory Authority: RCW 27.04.030(1).
304-20-040	Requests for public records. [Order I-76, § 304-20-040, filed 4/22/76.] Repealed by WSR 00-11-028, filed 5/9/00, effective 6/9/00. Statutory Authority: RCW 27.04.030(1).
304-20-090	Request for records by mail—Address. [Order I-76, § 304-20-090, filed 4/22/76.] Repealed by WSR 00-11-028, filed 5/9/00, effective 6/9/00. Statutory Authority: RCW 27.04.030(1).
304-20-100	Adoption of form. [Order I-76, § 304-20-100, filed 4/22/76.] Repealed by WSR 00-11-028, filed 5/9/00, effective 6/9/00. Statutory Authority: RCW 27.04.030(1).
304-20-990	Appendix A—Request for public records. [Order I-76, Appendix A (codified as WAC 304-20-990), filed 4/22/76.] Repealed by WSR 00-11-028, filed 5/9/00, effective 6/9/00. Statutory Authority: RCW 27.04.030(1).

WAC 304-20-005 State library public records—General policy. With the exception of those public records exempt from public inspection and copying in the Revised Code of Washington, the state library recognizes its stewardship of public records and shall endeavor to comply with requests for public records in a timely and good-faith manner.

[Statutory Authority: RCW 27.04.030(1). WSR 00-11-028, § 304-20-005, filed 5/9/00, effective 6/9/00.]

WAC 304-20-010 Availability of records. (1) Requests for state library public records resident in the Pritchard Building or any state library branch statewide shall be directed to the Office of the State Librarian, Olympia, Washington, 98504, for initial action. The state librarian, or public records officer if otherwise designated, shall send an initial response to the requestor within the time frame required in chapter 42.17 RCW which:

(a) Acknowledges receipt of the request, including the date and time of day it was received; and

(b) Provides the requestor with a target date for complying with the request.

(2) Requests shall be submitted in writing—through letter, telefacsimile, or electronic mail. Requests shall include at least the following information:

(a) The date and time of day on which the request was made;

(b) The name of the requestor and the address to which responses to the request are to be directed;

(c) As detailed a description of desired records as possible;

(d) Any limitations on desired formats to be searched; and

(e) To the extent possible, a reference to the current state library public records index.

Unless the request is received in such a manner that automatically so indicates, state library staff shall affix to the request a date and time of receipt as soon as the request is received by the state library.

The state librarian or designated public records officer may inquire of the requestor as to the purpose of the request only to the extent to which such information will elucidate the request and facilitate a timely and complete response. Except as permitted by chapter 42.17 RCW, the requestor shall not be compelled to disclose that information, nor shall failing to disclose that information in any way adversely affect the response to the inquiry.

[Statutory Authority: RCW 27.04.030(1). WSR 00-11-028, § 304-20-010, filed 5/9/00, effective 6/9/00; Order I-76, § 304-20-010, filed 4/22/76.]

WAC 304-20-050 Fees. The state library shall charge no fee for inspection of public records. Depending upon the extent of an individual request, the library may charge a fee equal to the amount necessary to reimburse the agency for its actual costs incident to copying public records, not to exceed limits imposed by the legislature.

[Statutory Authority: RCW 27.04.030(1). WSR 00-11-028, § 304-20-050, filed 5/9/00, effective 6/9/00; Order I-76, § 304-20-050, filed 4/22/76.]

WAC 304-20-060 Exemptions. (1) Privacy of inquiry is central to freedom and the success of a democratic society. Any state library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user, is exempt from public disclosure, in accordance with RCW 42.17.310. The state library will not disclose these records, outside the requirements of RCW 42.17.310 and absent judicial action to compel such disclosure.

(2) The library reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 304-20-040 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(3) In addition, pursuant to section 26, chapter 1, Laws of 1973, the library 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 invasion of personal pri-

vacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(4) All denials of requests for public records must be accompanied by a written statement specifying the reason for the 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 27.04.030(1). WSR 00-11-028, § 304-20-060, filed 5/9/00, effective 6/9/00. Statutory Authority: RCW 27.04.030. WSR 83-07-076 (Order 83-1), § 304-20-060, filed 3/23/83; Order I-76, § 304-20-060, filed 4/22/76.]

WAC 304-20-065 Response to requests for public records. The state library's response to a request to inspect and/or copy public records shall contain at least the following elements:

- (1) A restatement of the nature of the request;
- (2) The date of the response;
- (3) The extent to which the state library has been able to comply with the request;
- (4) Reason(s) for denial of any portion of the request;
- (5) The location at which the records may be inspected and copied; and
- (6) The procedure for appealing denial of any portion of the request.

[Statutory Authority: RCW 27.04.030(1). WSR 00-11-028, § 304-20-065, filed 5/9/00, effective 6/9/00.]

WAC 304-20-070 Review of denial of request. Any person who objects to a denial of a request for public records may do so in writing, petitioning a prompt review of that decision. The state librarian shall immediately consider such a request for review and either reverse the denial or call a special meeting of the state library commission to review the denial and make a final decision. If the commission is to review the denial, the librarian will respond with a date certain for that review within five business days.

[Statutory Authority: RCW 27.04.030(1). WSR 00-11-028, § 304-20-070, filed 5/9/00, effective 6/9/00; Order I-76, § 304-20-070, filed 4/22/76.]

WAC 304-20-080 Records index. (1) Index. The library has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972:

"(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 of any private party."

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

[Order I-76, § 304-20-080, filed 4/22/76.]