

Chapter 256-20 WAC
EASTERN WASHINGTON STATE HISTORICAL SOCIETY—PUBLIC RECORDS

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WAC

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WAC 256-20-010 Authority and purpose. (1) RCW 42.56.070(1) requires eastern Washington state historical society to make available for inspection and copying nonexempt "public records" in accordance with published rules. Chapter 42.56 RCW, Public Records Act (act) defines "public record" to include 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 the eastern Washington state historical society.

(2) The purpose of these rules is to establish the procedures eastern Washington state historical society will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the eastern Washington state historical society and establish processes for both requestors and eastern Washington state historical society staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the eastern Washington state historical society will be guided by the provisions of the act describing its purposes and interpretation.

[Statutory Authority: Chapter 27.34 RCW, RCW 42.56.040, 27.34.070, and 43.21C.120. WSR 17-07-057, § 256-20-010, filed 3/11/17, effective 4/11/17.]

WAC 256-20-020 Eastern Washington state historical society description—Contact information—Public records officer. (1) Any person wishing to request access to public records of eastern Washington state historical society, or seeking assistance in making such a request, should contact the public records officer of the eastern Washington state historical society:

Public Records Officer
Eastern Washington State Historical Society
2316 W 1st Avenue
Spokane, WA 99201
Phone: 509-456-3931
Email: themac@northwestmuseum.org

Information is also available at the eastern Washington state historical society's web site at <http://www.northwestmuseum.org/>.

(2) The public records officer will oversee compliance with the act but another eastern Washington state historical society staff member may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and the eastern Washington state historical society will provide the "fullest assistance" to requestors; create and maintain for use by the public and eastern Washington state historical society officials an index to public records of the eastern Washington state historical society; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the eastern Washington state historical society.

[Statutory Authority: Chapter 27.34 RCW, RCW 42.56.040, 27.34.070, and 43.21C.120. WSR 17-07-057, § 256-20-020, filed 3/11/17, effective 4/11/17.]

WAC 256-20-030 Availability of public records. (1) Hours for inspection of records. Public records are available for inspection and copying during normal business hours of the eastern Washington state historical society, Tuesdays through Fridays during normal business hours, excluding legal holidays. The eastern Washington state historical society and requestor can also make mutually agreeable arrangements for the times of inspection and copying. Records must be inspected at the offices of the eastern Washington state historical society.

(2) **Records index.** An index of public records, which includes eastern Washington state historical society's policies, is available for use by members of the public. The index may be accessed online at <http://www.northwestmuseum.org/>.

(3) **Organization of records.** The eastern Washington state historical society will maintain its records in a reasonably organized manner. The eastern Washington state historical society will take reasonable actions to protect records from damage and disorganization. A requestor shall not take eastern Washington state historical society records from eastern Washington state historical society offices without the permission of the public records officer or designee. A variety of records are available on the eastern Washington state historical society web site at <http://www.northwestmuseum.org/>.

Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) **Making a request for public records.**

(a) Any person wishing to inspect or copy public records of the eastern Washington state historical society should make the request in writing on the eastern Washington state historical society's public records request form and address it to the public records officer and include the following information:

(i) The requestor's name, mailing address, telephone number, and any email address;

(ii) Identification of the public records adequate for the public records officer or designee to locate the records; and

(iii) The date of the request.

(b) The requestor should indicate whether he/she wishes to inspect the records, obtain copies of the records, or both. If the request is for copies, the requestor will make arrangements to pay for copies of the records. Pursuant to WAC 256-10-070, standard photocopies will be provided at fifteen cents per page.

(c) The requestor should indicate whether the request is for printed or digital copies of the public records.

(d) If the request is for a list of individuals, the requestor will provide confirmation as to whether the list will be used for any commercial purposes or confirmation that the requestor is authorized or directed by law to obtain the list of individuals for commercial purposes, with a specific reference to that law.

(e) A form is available for use by requestors at the office of the public records officer and online at <http://www.northwestmuseum.org/>.

(f) The public records officer or designee may accept requests for public records by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

[Statutory Authority: Chapter 27.34 RCW, RCW 42.56.040, 27.34.070, and 43.21C.120. WSR 17-07-057, § 256-20-030, filed 3/11/17, effective 4/11/17.]

WAC 256-20-040 Processing of public records requests—General.

(1) **Acknowledging receipt of request.** Within five business days of receipt of the public records request, the public records officer will respond by:

(a) Notifying the requestor that the documents requested for inspection are available, and make the records available for inspection;

(b) Providing copies of the requested documents to requestor if payment of a deposit for the copies, if any, is made or terms of payment are agreed upon;

(c) Acknowledging receipt of the request, and provide a reasonable estimate of when records will be available. Additional time for eastern Washington state historical society to respond may be based upon:

(i) Need to identify, locate, assemble and/or make the records ready for inspection or disclosure;

(ii) Need to notify third persons or agencies affected by the request;

(iii) Need to determine whether any of the records or information requested is exempt from disclosure and whether a denial should be made as to all or part of the request; or

(iv) Need to clarify the request, if it is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone; or

(d) Denying the request.

(2) **Consequences of failure to respond.** If the eastern Washington state historical society does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(3) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of third persons or agencies and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the re-

questor and ask him or her to revise the request or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(4) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the eastern Washington state historical society believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(5) **Inspection of records.**

(a) Consistent with other business demands, the eastern Washington state historical society will provide space to inspect public records. No requestor or representative of the requestor may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the eastern Washington state historical society to copy.

(b) The requestor must claim or review the assembled records within thirty days of eastern Washington state historical society's notification to him or her that the records are available for inspection or copying. The eastern Washington state historical society will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the eastern Washington state historical society to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the eastern Washington state historical society may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(6) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(7) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(8) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the eastern Washington state historical society has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(9) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the eastern Washington state historical society has closed the request.

(10) **Later discovered documents.** If, after the eastern Washington state historical society has informed the requestor that it has provided all available records, the eastern Washington state historical society becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

[Statutory Authority: Chapter 27.34 RCW, RCW 42.56.040, 27.34.070, and 43.21C.120. WSR 17-07-057, § 256-20-040, filed 3/11/17, effective 4/11/17.]

WAC 256-20-050 Processing of public records requests—Electronic records. (1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the eastern Washington state historical society and is generally commercially available, or in a format that is reasonably translatable from the format in which the eastern Washington state historical society keeps the record. Costs for providing electronic records are governed by WAC 44-14-07003.

[Statutory Authority: Chapter 27.34 RCW, RCW 42.56.040, 27.34.070, and 43.21C.120. WSR 17-07-057, § 256-20-050, filed 3/11/17, effective 4/11/17.]

WAC 256-20-060 Exemptions. (1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure.

(2) Eastern Washington state historical society is prohibited by statute from disclosing lists of individuals for commercial purposes.

[Statutory Authority: Chapter 27.34 RCW, RCW 42.56.040, 27.34.070, and 43.21C.120. WSR 17-07-057, § 256-20-060, filed 3/11/17, effective 4/11/17.]

WAC 256-20-070 Costs of providing copies of public records. The following copy fees and payment procedures apply to public records requests made after the effective date of this rule:

(1) Pursuant to RCW 42.56.120 (2)(b), the eastern Washington state historical society is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The eastern Washington state historical society does not have the resources to conduct a study to determine all its actual copying costs;

(b) It is difficult to calculate all costs directly incident to copying records; and

(c) To conduct such a study would interfere with other essential eastern Washington state historical society functions.

(2) **Costs for copies.** There is no fee for inspecting public records. The eastern Washington state historical society will charge for copies of public records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The eastern Washington state historical society will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the eastern Washington state historical society may charge other copying fees authorized by statutes outside of chapter 42.56 RCW. The eastern Washington state historical society may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the eastern Washington state historical society are summarized in the fee schedule available on the eastern Washington state historical society's web site at www.northwestmuseum.org.

(3) Requestors are required to pay for copies in advance of receiving copies of records. Cost waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer to waive copying costs when:

(i) All of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of one hundred pages. If that email for any reason is not deliverable, records will be produced in accordance with this rule.

(b) Fee waivers are not applicable to records requested in installments.

(4) **Payment.** Payment may be made by cash, check, or money order to the eastern Washington state historical society. Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the copies, or the payment of the costs of copying an installment before providing that installment. The eastern Washington state historical society will not charge sales tax for copies of public records.

(5) The eastern Washington state historical society will close a request when a requestor fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

[Statutory Authority: RCW 42.56.040, [42.56].120 and 27.34.070. WSR 19-15-017, § 256-20-070, filed 7/9/19, effective 8/9/19. Statutory Authority: Chapter 27.34 RCW, RCW 42.56.040, 27.34.070, and 43.21C.120. WSR 17-07-057, § 256-20-070, filed 3/11/17, effective 4/11/17.]

WAC 256-20-080 Review of denials of public records. (1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the eastern Washington state historical society official designated by the eastern Washington state historical society to conduct the review. That person will immediately consider the petition and either affirm or reverse the denial within two business days following eastern Washington state historical society's receipt of the petition, or within such other time as eastern Washington state historical society and the requestor mutually agree to.

(3) **Review by the attorney general's office.** Pursuant to RCW 42.56.530, if eastern Washington state historical society denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 regardless of any internal administrative appeal.

[Statutory Authority: Chapter 27.34 RCW, RCW 42.56.040, 27.34.070, and 43.21C.120. WSR 17-07-057, § 256-20-080, filed 3/11/17, effective 4/11/17.]