

Chapter 326-07 WAC
PUBLIC RECORDS RULES AND REGULATIONS FOR THE OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES

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WAC 326-07-010 Purpose. The purpose of this chapter shall be to ensure compliance by the office with the provisions of chapter 42.17 RCW, and in particular with RCW 42.17.250 through 42.17.320, dealing with public records.

[Statutory Authority: RCW 39.19.030(7). WSR 92-24-107, § 326-07-010, filed 12/2/92, effective 1/2/93.]

WAC 326-07-020 Definitions. (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 the office 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 letters, words, pictures, sounds, symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

[Statutory Authority: RCW 39.19.030(7). WSR 92-24-107, § 326-07-020, filed 12/2/92, effective 1/2/93.]

WAC 326-07-030 Description of office organization. (1) The office is located at 406 South Water Street, Olympia, Washington 98504.

(2) The office consists of a director, deputy director, confidential secretary, support staff, and three divisions; certification, agency support and business development, and information services.

(3) The office provides the following services: Certification of businesses, monitoring agency/educational institution compliance with chapter 39.19 RCW and this title, publication of a list of certified businesses, identification of barriers to participation by minority, women, and socially and economically disadvantaged-owned businesses in the contracting and procurement processes of state agencies and educational institutions, and development of a plan which ensures opportunities for qualified minority, women, and socially and economically disadvantaged-owned businesses to participate.

[Statutory Authority: RCW 39.19.030 and 39.19.120. WSR 04-08-093, § 326-07-030, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 39.19.030(7). WSR 92-24-107, § 326-07-030, filed 12/2/92, effective 1/2/93.]

WAC 326-07-040 Operations and procedures. (1) Practice and procedure in and before the office are governed by the Model rules of procedure, chapter 10-08 WAC. Adjudicative proceedings are governed by chapter 326-08 WAC.

(2) The operations of the office are conducted according to the provisions of chapter 39.19 RCW.

[Statutory Authority: RCW 39.19.030(7). WSR 92-24-107, § 326-07-040, filed 12/2/92, effective 1/2/93.]

WAC 326-07-050 Public records available. All public records of the office, except as otherwise provided in RCW 42.17.310, shall be available for public inspection and copying during the customary office hours of the office.

[Statutory Authority: RCW 39.19.030(7). WSR 92-24-107, § 326-07-050, filed 12/2/92, effective 1/2/93.]

WAC 326-07-060 Public records officer. The person designated by the director as the public records officer shall be responsible for the following:

The implementation of the agency's rules and regulations regarding release of public records, coordinating the staff of the agency in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 39.19.030(7). WSR 92-24-107, § 326-07-060, filed 12/2/92, effective 1/2/93.]

WAC 326-07-070 Office hours. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 39.19.030(7). WSR 92-24-107, § 326-07-070, filed 12/2/92, effective 1/2/93.]

WAC 326-07-080 Requests for public records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the office, 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 office which shall be available at its office. The form shall be

presented to the public records officer; or to the appropriate member of the office's staff, if the public records officer is not available, at the office during customary office hours. The request shall include the following information:

(a) The name, address, and organization represented, if any, of the person requesting the record;

(b) The calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the office's current index, an appropriate description of the record requested;

(2) 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, in his or her absence, the appropriate 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 39.19.030(7). WSR 92-24-107, § 326-07-080, filed 12/2/92, effective 1/2/93.]

WAC 326-07-090 Inspection and copying. (1) Inspection of public records shall be made in the presence of the public records officer or, in his or her absence, the presence of the appropriate staff member.

(2) Copying of public records shall be performed only by the public records officer or, in his or her absence, the appropriate staff member.

[Statutory Authority: RCW 39.19.030(7). WSR 92-24-107, § 326-07-090, filed 12/2/92, effective 1/2/93.]

WAC 326-07-100 Fees. (1) The following copy fees and payment procedures apply to requests to the office under chapter 42.56 RCW and received on or after July 23, 2017.

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

(a) The office does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential agency functions; and

(c) Through the 2017 legislative process, the public and requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3) and (4).

(3) The office will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The office will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the office may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The office may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The

charges for copying methods used by the office are summarized in the fee schedule available on the office's website at www.omwbe.wa.gov.

(4) Requestors are required to pay for copies in advance of receiving records. Fee 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 fees 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 printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule.

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

(5) The public records officer may require an advance deposit of ten percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

(6) All required fees must be paid in advance of release of the copies or an installment of copies, or in advance of when a deposit is required. The office will notify the requestor of when payment is due.

(7) Payment should be made by check or money order to the office of minority and women's business enterprises. The office prefers not to receive cash. For cash payments, it is within the public records officer's discretion to determine the denomination of bills and coins that will be accepted.

(8) The office 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 39.19.030, 42.56.100, 42.56.040 (1)(d), 42.56.120, and 2017 c 304. WSR 18-03-064, § 326-07-100, filed 1/11/18, effective 2/11/18. Statutory Authority: RCW 39.19.030(7). WSR 98-13-007, § 326-07-100, filed 6/4/98, effective 7/5/98; WSR 92-24-107, § 326-07-100, filed 12/2/92, effective 1/2/93.]

WAC 326-07-110 Exemptions. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 326-07-080 is exempt under the provisions of RCW 42.17.310.

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

(3) 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 records withheld.

[Statutory Authority: RCW 39.19.030(7). WSR 92-24-107, § 326-07-110, filed 12/2/92, effective 1/2/93.]

WAC 326-07-120 Review of denials of public records request. (1)

Any person who objects to the denial of a request for a public record may petition for a 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 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 shall refer it to the director, who shall consider the matter in a timely manner. The request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the office has returned the petition with a decision or until the close of the second business day following denial, whichever occurs first.

[Statutory Authority: RCW 39.19.030(7). WSR 92-24-107, § 326-07-120, filed 12/2/92, effective 1/2/93.]

WAC 326-07-130 Protection of public records. (1) No person

shall knowingly alter, deface, or destroy public records of the agency.

(2) Original copies of public records of the office shall not be removed from the office.

[Statutory Authority: RCW 39.19.030(7). WSR 92-24-107, § 326-07-130, filed 12/2/92, effective 1/2/93.]

WAC 326-07-140 Records index. (1) A chronological index shall be maintained by the public records officer on the following:

(a) All final orders entered after June 30, 1990, issued in adjudicative proceedings;

(b) Declarative orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240;

(c) Interpretative statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990; and

(d) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990.

(2) The index shall contain identifying information on each item listed in subsection (1) of this section and shall be maintained in ascending chronological order.

[Statutory Authority: RCW 39.19.030(7). WSR 92-24-107, § 326-07-140, filed 12/2/92, effective 1/2/93.]

WAC 326-07-150 Communications with the office. All communications with the office, including but not limited to, the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules, requests for copies

of the office's rules, and other matters, shall be addressed as follows:

Office of Minority and Women's
Business Enterprises
c/o Public Records Officer
P.O. Box 41160
Olympia, Washington 98504-1160

[Statutory Authority: RCW 39.19.030(7). WSR 92-24-107, § 326-07-150, filed 12/2/92, effective 1/2/93.]