

**Chapter 399-20 WAC
PUBLIC RECORDS**

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

399-20-050	Records index. [Statutory Authority: 1985 c 446 § 10. WSR 85-24-072 (Order 85-17), § 399-20-050, filed 12/4/85.] Repealed by WSR 07-05-029, filed 2/13/07, effective 3/16/07. Statutory Authority: RCW 43.155.040(4).
399-20-120	Adoption of form. [Statutory Authority: RCW 43.155.040 (4) and (5). WSR 98-24-010, § 399-20-120, filed 11/19/98, effective 12/20/98. Statutory Authority: 1985 c 446 § 10. WSR 85-24-072 (Order 85-17), § 399-20-120, filed 12/4/85.] Repealed by WSR 07-05-029, filed 2/13/07, effective 3/16/07. Statutory Authority: RCW 43.155.040(4).

WAC 399-20-010 Purpose. This chapter is intended to ensure that the board complies with chapter 42.56 RCW, the Public Records Act, especially RCW 42.56.030 through 42.56.230 and RCW 42.56.510 through 42.56.580, which address disclosure of public records.

[Statutory Authority: RCW 43.155.040(4). WSR 07-05-029, § 399-20-010, filed 2/13/07, effective 3/16/07. Statutory Authority: RCW 43.155.040 (4) and (5). WSR 98-24-010, § 399-20-010, filed 11/19/98, effective 12/20/98. Statutory Authority: 1985 c 446 § 10. WSR 85-24-072 (Order 85-17), § 399-20-010, filed 12/4/85.]

WAC 399-20-020 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. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

(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 combinations 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) "Board" means the public works board, created in chapter 43.155 RCW, and also refers to the board's officers and staff, where appropriate.

(4) "Department" means the department of commerce, and shall refer to the department's staff, where appropriate.

[Statutory Authority: RCW 43.155.040(5). WSR 20-04-070, § 399-20-020, filed 2/3/20, effective 3/5/20. Statutory Authority: RCW 43.155.040(4). WSR 07-05-029, § 399-20-020, filed 2/13/07, effective 3/16/07. Statutory Authority: RCW 43.155.040 (4) and (5). WSR 98-24-010, § 399-20-020, filed 11/19/98, effective 12/20/98. Statutory Authority: RCW 43.155.040(4). WSR 95-11-093, § 399-20-020, filed 5/19/95, effective 6/19/95. Statutory Authority: 1985 c 446 § 10. WSR 85-24-072 (Order 85-17), § 399-20-020, filed 12/4/85.]

WAC 399-20-030 Public records available. All public records of the board are deemed to be available for public inspection and copying, except as otherwise provided by RCW 42.56.070 and 42.56.210 as now or hereafter amended, and by WAC 399-20-090.

[Statutory Authority: RCW 43.155.040(4). WSR 07-05-029, § 399-20-030, filed 2/13/07, effective 3/16/07. Statutory Authority: RCW 43.155.040 (4) and (5). WSR 98-24-010, § 399-20-030, filed 11/19/98, effective 12/20/98. Statutory Authority: 1985 c 446 § 10. WSR 85-24-072 (Order 85-17), § 399-20-030, filed 12/4/85.]

WAC 399-20-040 Public records officer. The board shall designate a staff member to be the public records officer. The public records officer shall be responsible for implementation of the board's rules and regulations regarding inspection and copying of public records, and for ensuring compliance by the staff with the public records disclosure requirements of chapter 42.56 RCW.

[Statutory Authority: RCW 43.155.040(4). WSR 07-05-029, § 399-20-040, filed 2/13/07, effective 3/16/07. Statutory Authority: RCW 43.155.040 (4) and (5). WSR 98-24-010, § 399-20-040, filed 11/19/98, effective 12/20/98. Statutory Authority: 1985 c 446 § 10. WSR 85-24-072 (Order 85-17), § 399-20-040, filed 12/4/85.]

WAC 399-20-060 Office hours. Public records are available for inspection and copying from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays, or closure due to natural disaster, inclement weather, or local emergency.

[Statutory Authority: RCW 43.155.040(5). WSR 20-04-070, § 399-20-060, filed 2/3/20, effective 3/5/20. Statutory Authority: RCW 43.155.040(4). WSR 09-04-100, § 399-20-060, filed 2/4/09, effective 3/7/09. Statutory Authority: RCW 43.155.040 (4) and (5). WSR 98-24-010, § 399-20-060, filed 11/19/98, effective 12/20/98. Statutory Authority: 1985 c 446 § 10. WSR 85-24-072 (Order 85-17), § 399-20-060, filed 12/4/85.]

WAC 399-20-070 Requests for public records. The Public Records Act, chapter 42.56 RCW, requires agencies to prevent unreasonable invasions of privacy, to protect public records from damage or disorganization, and to prevent excessive interference with essential functions of the board. Therefore, members of the public may inspect, copy, or obtain copies of public records in compliance with chapter 42.56 RCW. The public records officer will assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: RCW 43.155.040(4). WSR 07-05-029, § 399-20-070, filed 2/13/07, effective 3/16/07. Statutory Authority: RCW 43.155.040 (4) and (5). WSR 98-24-010, § 399-20-070, filed 11/19/98, effective 12/20/98. Statutory Authority: 1985 c 446 § 10. WSR 85-24-072 (Order 85-17), § 399-20-070, filed 12/4/85.]

WAC 399-20-080 Copying. No fee is charged for the inspection of public records. The board may charge a fee of fifteen cents per page for providing copies of public records, when copies of more than ten pages are provided, and for use of the department's copy equipment.

[Statutory Authority: RCW 43.155.040 (4) and (5). WSR 98-24-010, § 399-20-080, filed 11/19/98, effective 12/20/98. Statutory Authority: 1985 c 446 § 10. WSR 85-24-072 (Order 85-17), § 399-20-080, filed 12/4/85.]

WAC 399-20-090 Exemptions. (1) The public records officer will determine whether a requested record is exempt from disclosure under chapter 42.56 RCW.

(2) If a requested record is determined to be exempt in part, the public records officer will delete the exempt portions of the record before making it available for inspection or copying. The public records officer will fully justify any deletion in writing.

(3) Whenever the public records officer denies a public records request, a written statement specifying the reason for the denial shall be provided.

(4) The Public Disclosure Act requires agencies to respond promptly to requests for public records. Within five business days after receiving a public records request, the public records officer must respond by either:

(a) Providing the record;

(b) Acknowledging the request and stating a reasonable estimate of the time the board will need to respond; or

(c) Denying the request.

The board may require additional time to respond for reasons consistent with RCW 42.56.520.

[Statutory Authority: RCW 43.155.040(4). WSR 07-05-029, § 399-20-090, filed 2/13/07, effective 3/16/07. Statutory Authority: RCW 43.155.040 (4) and (5). WSR 98-24-010, § 399-20-090, filed 11/19/98, effective 12/20/98. Statutory Authority: 1985 c 446 § 10. WSR 85-24-072 (Order 85-17), § 399-20-090, filed 12/4/85.]

WAC 399-20-100 Review of denials of public records requests. Agencies are required to establish a mechanism for the prompt review

of decisions denying the inspection or copying of public records. In any case where a public record is denied in whole or in part the chair, or designee, shall immediately review the matter and either affirm or reverse the denial. The review is deemed complete at the end of the second business day following the denial of inspection or copying and constitutes final agency action for purposes of judicial review.

[Statutory Authority: RCW 43.155.040 (4) and (5). WSR 98-24-010, § 399-20-100, filed 11/19/98, effective 12/20/98. Statutory Authority: 1985 c 446 § 10. WSR 85-24-072 (Order 85-17), § 399-20-100, filed 12/4/85.]

WAC 399-20-110 Protection of public records. To protect the board's public records any person inspecting or copying the records must comply with the following requirements:

- (1) Public records may not be removed from the board's offices;
- (2) Persons inspecting public records must do so in the presence of a designated board or department employee;
- (3) Persons inspecting or copying public records must not mark or deface them in any manner;
- (4) Public records maintained in a file jacket, or in chronological order must not be dismantled except for the purposes of copying and then only by a designated board or department employee;
- (5) Only board or department employees will have access to file cabinets, shelves, vaults, or other storage areas.

[Statutory Authority: RCW 43.155.040 (4) and (5). WSR 98-24-010, § 399-20-110, filed 11/19/98, effective 12/20/98. Statutory Authority: 1985 c 446 § 10. WSR 85-24-072 (Order 85-17), § 399-20-110, filed 12/4/85.]