

WSR 21-07-049

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed March 12, 2021, 7:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-07-172 [21-01-172].

Title of Rule and Other Identifying Information: Chapter 172-10 WAC, public records.

Hearing Location(s): On May 12, 2021, at 9:00 a.m., at Eastern Washington University (EWU), Main Campus, 526 5th Street, Cheney, WA 99004. This will be a virtual meeting via Zoom. The link to participate in the Zoom meeting is <https://ewu.zoom.us/j/94220953157>.

Date of Intended Adoption: May 21, 2021.

Submit Written Comments to: Annika Scharosch, EWU, 526 5th Street, 211 Tawanka Hall, Cheney, WA 99004, email ascharosch@ewu.edu, fax 509-359-6724, by May 12, 2021.

Assistance for Persons with Disabilities: Contact Annika Scharosch, phone 509-359-6724, fax 509-359-2874, email ascharosch@ewu.edu, by May 12, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Updates the contact information for the public records coordinator. Adds a provision notifying the public that they may be charged for the redaction of body camera footage in accordance with the Public Records Act.

Reasons Supporting Proposal: Due to personnel changes, the contact information for the public records officer needs to be updated. EWU's law enforcement department has also recently started using body cameras, so information is added about requests for recordings from such cameras.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: EWU, governmental.

Name of Agency Personnel Responsible for Drafting: Annika Scharosch, 211 Tawanka Hall, 509-359-6724; Implementation and Enforcement: Dr. David May, 214 Showalter Hall, 509-359-6362.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328 [34.05.328] (5)(a)(i), this agency is not an agency mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this [these] rules pursuant to subsection (5)(a)(ii), and to date, the joint administrative rules review committee has not made the section applicable to the adoption of this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

March 12, 2021
Annika Scharosch
Associate Vice President

OTS-2950.1

AMENDATORY SECTION (Amending WSR 14-24-034, filed 11/24/14, effective 12/25/14)

WAC 172-10-020 Public records officer. (1) Any person wishing to request access to public records of Eastern Washington University, or seeking assistance in making such a request should contact the public records officer of Eastern Washington University. Throughout this chapter, references to the public records officer shall mean the public records officer or his/her designee.

(2) Contact information:

Public Records Officer
Eastern Washington University
Business and Finance Office
(~~(307 Showalter Hall)~~)
211 Tawanka Commons
Cheney, WA 99004
Phone: (~~(509-359-4210)~~) 509-359-7496
Fax: (~~(509-359-6705)~~) 509-359-2266
Email: prr@ewu.edu

(3) Information is also available at the Eastern Washington University website at (~~(<http://access.ewu.edu/public-records>)~~) <https://inside.ewu.edu/records-management/>.

(4) The public records officer and Eastern Washington University shall assist requestors, comply with the Public Records Act, and provide public records training and assistance to university employees.

[Statutory Authority: RCW 28B.35.120(12). WSR 14-24-034, § 172-10-020, filed 11/24/14, effective 12/25/14.]

AMENDATORY SECTION (Amending WSR 14-24-034, filed 11/24/14, effective 12/25/14)

WAC 172-10-030 Availability of public records. (1) Hours for inspection of records. Public records are available for inspection and copying during normal business hours of Eastern Washington University, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays, unless the requestor and the public records officer agree on a different time. Records must be inspected at the offices of Eastern Washington University.

(2) *University Policy Index.* An index of Eastern Washington University's generally applicable rules, policies, and procedures is available for use by members of the public and may be accessed online at www.ewu.edu/policy.

(3) Organization of records. Eastern Washington University will maintain its records in a reasonably organized manner. Eastern Washington University will take reasonable actions to protect records from damage and disorganization. A requestor shall not take Eastern Washington University records from Eastern Washington University offices without the permission of the public records officer. A variety of records are available on the Eastern Washington University website at

www.ewu.edu. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or copy public records of Eastern Washington University should make the request in writing on the Eastern Washington University public records request form, or by letter, fax, or email addressed to the public records officer and including the following information:

(i) Name of requestor;

(ii) Address of requestor;

(iii) Other contact information, including telephone number and any email address;

(iv) Adequate identification of the public records for the public records officer to locate the records;

(v) The date and time of day of the request; and

(vi) A verification that the records requested shall not be used to compile a commercial sales list.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to WAC 172-10-080, standard photocopies will be provided at fifteen cents per page.

(c) A form is available for use by requestors at the office of the public records officer and online at (~~(<http://access.ewu.edu/Documents/Public%20Records/public-records-request-form.pdf>)~~) <https://inside.ewu.edu/records-management/>.

(d) The public records officer may accept requests for public records that contain the above information by telephone or in person, but is not required to do so. If the public records officer accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

[Statutory Authority: RCW 28B.35.120(12). WSR 14-24-034, § 172-10-030, filed 11/24/14, effective 12/25/14.]

AMENDATORY SECTION (Amending WSR 18-06-019, filed 2/27/18, effective 3/30/18)

WAC 172-10-080 Costs of providing copies of public records. (1)

~~((The following copy fees and payment procedures apply to requests under chapter 42.56 RCW received on or after July 23, 2017.)) Pursuant to RCW 42.56.120 (2)(b), Eastern Washington University is not calculating all actual costs for copying records because to do so would be unduly burdensome as the university does not have the resources to conduct a study to determine all actual copying costs, it is difficult to calculate all costs directly incident to copying records, and to conduct such a study would interfere with other essential university functions. In addition, the university may charge the requestor the reasonable costs of redacting, altering, distorting, pixelating, suppressing or otherwise obscuring any portion of body camera recordings in accordance with RCW 42.56.240 regardless of whether or not the requestor asks for a copy of such recordings or asks to view them in person.~~

(2) Costs for copies. The university will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c).

The university may also use any other method authorized by the Public Records Act for imposing charges for public records including, but not limited to, charging a flat fee, charging a customized service charge, or charging based on a contract or other agreement with a requestor. A copy of the university's fee schedule will be available on its public records website.

(3) The university may waive charges assessed for records when the public records officer determines collecting a fee is not cost effective.

(4) There is no fee for inspecting public records, unless it requires customized access to a database or the redaction of body camera footage. Before beginning to make the copies, the public records officer 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 may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. Eastern Washington University will not charge sales tax when it makes copies of public records.

(5) Costs of mailing. Eastern Washington University may also charge actual costs of mailing, including the cost of the shipping container.

(6) Payment. Payment may be made by cash, check, or money order to Eastern Washington University.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 18-06-019, § 172-10-080, filed 2/27/18, effective 3/30/18. Statutory Authority: RCW 28B.35.120(12). WSR 14-24-034, § 172-10-080, filed 11/24/14, effective 12/25/14.]