

WSR 22-15-120

PROPOSED RULES

THE EVERGREEN STATE COLLEGE

[Filed July 20, 2022, 11:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-01-078.

Title of Rule and Other Identifying Information: Chapter 174-276 WAC, Access to public records.

Hearing Location(s): On August 31, 2022, at 10:00 a.m., via Zoom <https://evergreen.zoom.us/j/82902816387>. Hearing will be conducted virtually via Zoom due to COVID-19 protocols. Any person interested in providing comments must either attend the virtual session, or provide written comment to Kate MacKinnon at mackinnk@evergreen.edu. Comments must be received by September 2nd.

Date of Intended Adoption: September 6, 2022.

Submit Written Comments to: Kate MacKinnon, 2700 Evergreen Parkway N.W., L3200, Olympia, WA 98505, email publicrecords@evergreen.edu, phone 360-867-6914, by September 2, 2022.

Assistance for Persons with Disabilities: Contact access services, The Evergreen State College, phone 360-867-6384, email accessservices@evergreen.edu, by August 22, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: (1) To bring chapter 174-276 WAC up-to-date and into compliance with current public records law; (2) to update, clarify, and streamline procedures governing access to public records of the college; and (3) to improve service to requesters via updated rules and procedures that make use of the current tools available to the college's public records staff.

Reasons Supporting Proposal: By the date of the hearing, the college's current chapter 174-276 WAC will be over 25 years old. It does not reflect current standard practices and the proposed changes would help increase our efficiency, implement process improvements, and provide clarity to requestors with regard to the request process.

Statutory Authority for Adoption: RCW 28B.40.120; chapters 34.05, 42.56 RCW.

Statute Being Implemented: Chapter 42.56 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: The Evergreen State College, business services, public.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kate MacKinnon, The Evergreen State College, Olympia Campus, 360-867-6914.

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. Evergreen is not an organization listed under subsection (5)(a) of RCW 34.05.328. The proposed rules are not "significant legislative rules" as defined under RCW 34.05.238(5) and the institution has not voluntarily made this section applicable.

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(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

July 20, 2022
Daniel B. Ralph
Rules Coordinator

OTS-3782.1

AMENDATORY SECTION (Amending WSR 97-13-047, filed 6/13/97, effective 7/14/97)

WAC 174-276-005 Purpose. The purpose of this chapter is to provide ~~((rules))~~ for public access to existing, identifiable, nonexempt public records of The Evergreen State College ~~((implementation of the provisions of chapter 42.17 RCW relating to public records))~~ in accordance with the Public Records Act, chapter 42.56 RCW.

[Statutory Authority: RCW 28B.40.120(12). WSR 97-13-047, § 174-276-005, filed 6/13/97, effective 7/14/97.]

AMENDATORY SECTION (Amending WSR 97-13-047, filed 6/13/97, effective 7/14/97)

WAC 174-276-010 Definitions ((of public record)). ~~((1) A 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 Evergreen State College, regardless of the 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.))~~ (1) Public record. The term "public record" and other terms defined in the Public Records Act shall have the same meaning in this chapter that they have under the Public Records Act.

(2) Public Records Act. References in this chapter to the "Public Records Act" are to chapter 42.56 RCW.

(3) Requestor. A "requestor" is any person or entity requesting public records of The Evergreen State College pursuant to the Public Records Act.

(4) College. The term "college" means The Evergreen State College.

[Statutory Authority: RCW 28B.40.120(12). WSR 97-13-047, § 174-276-010, filed 6/13/97, effective 7/14/97. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-010, filed 1/26/90, effective 2/26/90.]

AMENDATORY SECTION (Amending WSR 90-04-011, filed 1/26/90, effective 2/26/90)

WAC 174-276-030 (~~Informal procedures regarding the general course and methods of decision.~~) **Description of the college.** ((~~In-~~formal procedures regarding the methods and general course of operations at the college are, for the purposes of these rules, either:

(1) ~~Decisions made by persons authorized by board resolution, the president, or any designee to make a decision within the scope of responsibility assigned to such person; or~~

(2) ~~Methods of human persuasion utilized by any member of the college's constituencies or of the public to attempt to influence one in power to make decisions within that person's scope of responsibility.~~) (1) **Mission - Governance.** The college is a public institution of higher education, established under chapter 28B.40 RCW as a state college. The college is governed by a board of trustees appointed by the governor. The board appoints a president who serves as the chief executive officer responsible for the administration of the college.

(2) **College campus.** The campus of the college is located at 2700 Evergreen Parkway N.W., Olympia, WA 98505. The college is located within Thurston County. The college operates the Tacoma Program at 1210 6th Ave, Tacoma, WA 98405.

(3) **Policies and procedures.** College policies meeting the definition of a "rule" under the Administrative Procedure Act, chapter 34.05 RCW are adopted by the board of trustees or designees and published in Title 174 of the Washington Administrative Code (WAC). Other college policies approved by the administration are published in college policies and procedures manuals.

(4) **Documents index.** As an institution of higher education, the college generally does not have occasion to issue nonexempt "final orders," "declaratory orders," "interpretive statements," or "policy statements" as those terms are defined and used in the Public Records Act. Should the college possess such records, an index of final orders, declaratory orders, interpretive statements, and policy statements, entered after June 30, 1990, shall be available at the office of the public records officer. The secretary of the college's board of trustees does maintain and publish on the college website a document index of the board's approved meeting agendas and minutes. Inquiries may be directed to the secretary of the board in the office of the college president.

(5) **College website.** The college's official website, available at www.evergreen.edu, provides general information about the college and its governing board, administration, educational programs, and policies and procedures. Persons seeking public records of the college are encouraged to view the records available on the website prior to submitting a records request.

[Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-030, filed 1/26/90, effective 2/26/90.]

AMENDATORY SECTION (Amending WSR 97-13-047, filed 6/13/97, effective 7/14/97)

WAC 174-276-040 ((Designation of)) Public records officer(s)).

~~((The public records officer for the college shall be the executive associate to the president or the president's designee within the office of the president. The public records officer shall be responsible for insuring full public access to public records in accordance with chapter 42.17 RCW. The public records officer shall enforce the rules and regulations related to release of public records and coordinate such with the faculty, staff, and students of the college.))~~ (1) Designation. A public records officer designated by the college shall be responsible for responding to public records requests in accordance with the provisions of this chapter and applicable provisions of the Public Records Act, chapter 42.56 RCW. The duties of the public records officer under this chapter may be delegated to one or more public records assistants designated by the college.

(2) Duties. The public records officer shall oversee the college's compliance with the Public Records Act. The records officer (or designee) and the college are responsible for providing the fullest assistance to requestors of public records, for ensuring that public records are protected from damage or disorganization, and for preventing records requests from excessively interfering with essential institutional functions or unreasonably disrupting the operations of the college. The college may take reasonable precautions to prevent a requestor from being unreasonably disruptive or disrespectful to college staff.

(3) Records office. Inquiries regarding public records of the college may be addressed to the public records officer at the following office address:

Public Records Officer
The Evergreen State College
2700 Evergreen Parkway N.W., Library 3200
Olympia, WA 98505
360-867-6914
publicrecords@evergreen.edu

(4) Office hours. The regular office hours of the public records office are from 8:00 am to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays and college closures.

[Statutory Authority: RCW 28B.40.120(12). WSR 97-13-047, § 174-276-040, filed 6/13/97, effective 7/14/97. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-040, filed 1/26/90, effective 2/26/90.]

AMENDATORY SECTION (Amending WSR 97-13-047, filed 6/13/97, effective 7/14/97)

WAC 174-276-050 ((Availability for public inspection and copying of)) Requests for public records. ~~((Public records shall be available for inspection and copying during the customary office hours of the college. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, unless the person making the request~~

and the college, acting through the public records officer, agree on a different time.) (1) **Written requests preferred.** Requests for public records of the college may be addressed to the public records officer at the address given in WAC 174-276-040. The college encourages, but does not require, requestors to submit their request via email or by using the form made available on the college website (www.evergreen.edu/publicrecords). Requests made orally, whether by phone or in person, may be confirmed in writing by the public records officer or designee.

(2) **Contents of records requests.** A request for public records must include the following information:

(a) The name and contact information of the person requesting public records;

(b) The requestor's mailing address or email address;

(c) The date and time of the request;

(d) A description of the requested records that is sufficiently detailed to enable the public records officer and records custodians to identify and locate the responsive records;

(e) A statement indicating whether the requestor wishes to inspect the records or to receive copies of the records, and if copies are requested, the preferred format for receipt of the records (e.g., paper or electronic, and if electronic, pdf or other format); and

(f) A statement indicating the requestors preferred method for receipt of responsive records (i.e., email, postal service, or pick-up).

(3) **Lists of individuals for commercial purposes.** State agencies and institutions are not permitted to provide lists of individuals for commercial purposes. A request for lists of individuals must be accompanied by the requestor's signed declaration that the list will not be used for commercial purposes. The public records officer may inquire as to the requestor's intended use of the list and may deny the request if it is evident from the request that the list will be used for commercial purpose.

(4) **Assistance in identifying records.** The public records officer may assist requestors in identifying the specific records sought by the requestor. With limited exceptions, a requestor may not be required to state the purpose of the request. However, the records officer may ask the purpose of the request if such inquiry will assist in identifying the records requested.

[Statutory Authority: RCW 28B.40.120(12). WSR 97-13-047, § 174-276-050, filed 6/13/97, effective 7/14/97. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-050, filed 1/26/90, effective 2/26/90.]

AMENDATORY SECTION (Amending WSR 97-13-047, filed 6/13/97, effective 7/14/97)

WAC 174-276-060 ((Requests for)) Processing of public records requests. ((In accordance with the 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 agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

~~(1) A request shall be made in writing upon a form which shall be available at the office of the public records officer and shall be presented to the public records officer or the president's designee. Such request shall include the following:~~

~~(a) The name of the person requesting the record.~~

~~(b) The time of day and calendar date on which the request was made.~~

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

~~(d) If the requested matter is not identifiable by reference to the college records current index, a statement that succinctly describes the record requested.~~

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

~~(2) In all cases in which a member of the public is making a request, it shall be the obligation of the college person to whom the request is being made to assist the member of the public in succinctly identifying the public record requested.)~~ (1) **Applicable law.** Requests for public records will be processed in accordance with these rules and applicable provisions of the Public Records Act, chapter 42.56 RCW. Guidance concerning the application of these rules may be found in the advisory model rules adopted by the attorney general under chapter 44-14 WAC.

(2) **Prioritizing requests.** Public records requests generally will be processed in the order in which they are received by the college's public records office, and within the staffing limitations of the office. However, the records office may expedite requests for a single record or for only a few records, if such records are easily identifiable and can be readily retrieved. The records office may ask, but not require, a requestor to prioritize the records the requestor is seeking.

(3) **Clarification of requests.** The public records officer may request clarification of a records request in accordance with applicable provisions of the Public Records Act. The requestor must respond to the request for clarification within 30 days of the request.

(4) **Providing records by installment.** If a requestor submits multiple records requests, or if a request seeks a large number of records or many different types of records, the public records office may provide access to the records in installments in accordance with applicable provisions of the Public Records Act.

(5) **Denial of bot requests.** The public records officer may deny a bot request as defined under the Public Records Act, RCW 42.56.080(3), if responding to the multiple requests would cause excessive interference with other essential functions of the college and the records officer reasonably believes the request was automatically generated by a computer program or script.

(6) **Closure of requests.** When the requestor withdraws the request, fails to respond to a request for clarification from the college within 30 days or clarify an entirely unclear request within 30 days, fails to provide signed certification that a request for records including a list of names is not for commercial purposes, or fails to fulfill the requestor's obligations to inspect records, pay the deposit, pay the required fees for an installment, or make final payment for the requested copies, the public records officer will close the request and notify the requestor that the request has been closed.

[Statutory Authority: RCW 28B.40.120(12). WSR 97-13-047, § 174-276-060, filed 6/13/97, effective 7/14/97. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-060, filed 1/26/90, effective 2/26/90.]

AMENDATORY SECTION (Amending WSR 90-04-011, filed 1/26/90, effective 2/26/90)

WAC 174-276-070 ((Charges for copying.)) Records exempt from inspection or copying. ((~~(1) No fee shall be charged for inspection of public records. The college may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the college for its actual costs incident to such copying.~~

~~(2) No person shall be released a record which has been copied by photostatic process until and unless the person requesting the copied public record has tendered payment for such copying to the records official from whom the public record was obtained, or to any person designated by such records official.)) (1) **Public Records Act exemptions.** The Public Records Act, chapter 42.56 RCW, exempts from inspection or copying certain categories of records as set forth in the Public Records Act or under other statutes. The public records officer will disclose the existence of exempt records as required by law, but will deny the inspection or copying of such records to the extent that the records are exempt from inspections or copying under the Public Records Act or other applicable law.~~

(2) **Commonly applied exemptions.** The public records office maintains a list explaining the exemptions most commonly applied by the college in processing requests for public records. A copy of the list can be requested from the public records officer. Relevant exemptions will be provided to the requestor by the public records officer in responding to a request for records that are determined in whole or in part to be exempt from inspection or copying.

(3) **Determining applicable exemptions.** The public records officer may seek information from the requestor sufficient to determine whether another statute prohibits disclosure of the requested records. For example, student education records generally may not be disclosed to third parties without the student's written consent.

[Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-070, filed 1/26/90, effective 2/26/90.]

AMENDATORY SECTION (Amending WSR 97-13-047, filed 6/13/97, effective 7/14/97)

WAC 174-276-080 ((Determination regarding exempt records.)) Public records available for inspection. ((~~(1) The college reserves the right to determine that a public record requested in accordance with the procedures of this chapter is exempt under the provisions of RCW 42.17.310. Such determination may be made in consultation with any of~~

~~the records officers of the college, president of the college, or an assistant attorney general assigned to the college.~~

~~(2) Responses to requests for records must be made promptly. For the purpose of these rules, a prompt response occurs if the person requesting the public record is notified within five business days as to whether her or his request for a public record will be honored.~~

~~(3) No denial of a request for public records shall be valid unless accompanied by a written statement, signed by the public records officer or his or her designee, specifying the specific reasons therefor. The following nonexhaustive lists are examples of records exempted from public inspection and copying:~~

~~(a) Personal information in any files maintained for students in public schools; patients or clients of public institutions or public health agencies; welfare recipients; prisoners, probationers, or parolees.~~

~~(b) Personal information in files maintained for employees, appointed or elected officials, or any public agency to the extent that disclosure would violate their right to privacy.~~

~~(c) Information required of any taxpayer in connection with the assessment or collection of any tax, if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.~~

~~(d) Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.~~

~~(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement or penology agencies, except as the complainant may authorize.~~

~~(f) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.~~

~~(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the appraisal.~~

~~(h) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.~~

~~(i) Preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.~~

~~(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.~~

~~(k) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of information would:~~

~~(i) Be prohibited to such persons by RCW 82.32.330; or~~

~~(ii) Violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.~~

~~(l) Records, maps, or other information identifying the location of archeological sites in order to avoid the looting or depredation of such sites.~~

~~(m) Any 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.~~

~~(n) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to the applicant.~~

~~(o) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers. RCW 51.36.120.~~

~~(p) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.~~

~~(q) Information that identifies a person who, while an agency employee:~~

~~(i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and~~

~~(ii) Requests his or her identity or any identifying information not be disclosed.~~

~~(r) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.~~

~~(s) Business related information protected from public inspection and copying under RCW 15.86.110.~~

~~(4) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital government interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.~~

~~(5) Prior to releasing personal information regarding an identifiable person or persons, the college must notify the affected person or persons in writing and provide them with a two-week opportunity to seek an injunction through Thurston County superior court preventing the release of the document or documents in question. The affected person or persons may waive the two-week notice requirement under this section by contacting the public records officer in writing of said waiver.)~~

(1) Scheduling of appointments. Public records identified as responsive to a public records request may be made available for inspection and copying during regular office hours by scheduling an appointment with the public records officer. The requestor must review the assembled records or installment of records within 30 days of being notified that the records are available for review. The records officer will notify the requestor in writing of this requirement and will ask the requestor to contact the records office 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 30-day period or make other arrangements, the college may close the request.

(2) Protection of records. The public records officer will be responsible for providing full access to public records made available for inspection, for protecting the records from damage or disorganization, and for preventing excessive interference with essential college functions. Public records made available for inspection may not be removed from the office without the permission of the records officer.

(3) Copying of records. The public records officer will arrange for copying of any records designated by the requestor and will charge such copying fees as may apply under WAC 174-276-090.

[Statutory Authority: RCW 28B.40.120(12). WSR 97-13-047, § 174-276-080, filed 6/13/97, effective 7/14/97. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-080, filed 1/26/90, effective 2/26/90.]

AMENDATORY SECTION (Amending WSR 97-13-047, filed 6/13/97, effective 7/14/97)

WAC 174-276-090 (~~(Review of denials for public records requests.)~~) **Copying fees—Payments.** ((1) Any person who objects to the denial of a request for a public record shall petition for prompt review of such decision by tendering a written request for a review of such denial. Such written request by a person demanding prompt review shall specifically reference the written statement by the college denying that person's request for a public record.

(2) Within two business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president of the college or any of her or his designees, which for the purposes of this section may include the public records officer, shall consider such petition.

(3) During the course of the two business days in which the president or her or his designee reviews the decision of the public records officer denying the request for a public record, the president or designee may conduct an informal hearing. During the course of such informal hearing, the president or designee may require that the person requesting the public record appear in person at a reasonable time and place located on the campus and further explain and identify the exact nature of the public record she or he is seeking. Failure by the person requesting the review hearing to appear at such informal hearing shall be deemed a waiver of that person's right to insist upon completion of the review of his request within two business days. If the petitioner requesting review does appear at such informal hearing, then the period for review by the college shall be extended to a period not exceeding twenty-four hours after such person requesting review has appeared before the president or designee.

(4) During the course of the informal hearing conducted by the president or his or her designee under this section, the hearing officer shall consider the obligations of the college fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 and the requirement of RCW 42.17.250 insofar as it requires the college to protect public records from damage or disorganization, prevent excessive interference with essential

~~functions of the agency, and to prevent any unreasonable invasion of personal privacy by deleting identifying details.~~

~~(5) Administrative remedies shall not be considered exhausted until the college has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.)~~ (1) **Fees and payment procedures.** The following copying fees and payment procedures apply to requests to the college for public records under chapter 42.56 RCW received on or after the effective date of this section.

(2) **Inspection of records.** There is no fee for inspecting public records made available for inspection by the public records officer under WAC 174-276-080.

(3) **Actual costs not calculated.** Pursuant to RCW 42.56.120 (2)(b), the college is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons: (a) The institution 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 college 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).

(4) **Default fees adopted.** The college will charge for copies of public records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). Under RCW 42.56.130, the college may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The college may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the college are summarized in the fee schedule available on the college's website at www.evergreen.edu.

(5) **Advanced payment required - Fee waivers.** Requestors are required to pay for copies in advance of receiving records or an installment of records. The public records officer will notify the requestor when payment is due. 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 consist of 25 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 100 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.

(6) **Copying fee deposits.** The public records officer may require an advance deposit of 10 percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceed \$25.

(7) **Payment method.** Payment should be made by credit card or debit card or by check or money order payable to The Evergreen State College. The college prefers not to receive cash. Cash payments will be accepted if made in the exact amount.

(8) **Closure of request for nonpayment.** The college will close a request when a requestor fails by the payment due date to pay in the

manner prescribed for records, an installment of records, or a required deposit.

[Statutory Authority: RCW 28B.40.120(12). WSR 97-13-047, § 174-276-090, filed 6/13/97, effective 7/14/97. Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-090, filed 1/26/90, effective 2/26/90.]

AMENDATORY SECTION (Amending WSR 90-04-011, filed 1/26/90, effective 2/26/90)

WAC 174-276-100 ((Form Request for public records.)) Review of denials of public records requests.

((REQUEST FOR PUBLIC RECORDS

The Evergreen State College

Section I -- IDENTIFICATION. The information requested in Boxes 1 through 4 is not mandatory. If provided, it will allow the Records Officer to contact you, if necessary, in connection with your request.		DATE
1. Name of Requester	2. Representing (if applicable)	
3. Street Address		
4. City-State-Zip Code	If there is any particular urgency attached to this request, please indicate the date by which you need the information.	

~~Section II -- NATURE OF REQUEST. Please be specific about the records you wish to see. If you do not know the name of the records, make your request in the form of a question. To comply with RCW 42.17.260(5) (noncommercial use), please sign the certification below. I certify that the information obtained as a result of this request for public records will not be used in whole or in part to compile a list for commercial purposes.~~

.....
Requester's Signature

DO NOT FILL IN BELOW THIS LINE

~~Section III -- REQUEST FOR REVIEW~~

Requested by	Office	Telephone
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~~Section IV -- DISPOSITION OF REQUEST~~

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5.	6.	7.	8.	9.))
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(1) **Petition for internal administrative review.** A requestor who objects to the denial or partial denial of a records request may petition in writing to the public records officer for a review of that decision. The public records officer will promptly refer the petition to the office of the president. A senior administrator designated by the president will consider the petition and will render a decision within two business days following the initial receipt of the petition by the public records officer. The time for considering the petition may be extended by mutual agreement of the college and the requestor.

(2) **Review by the attorney general's office.** A requestor who objects to the denial or partial denial of a records request may request the office of the attorney general to review the matter as provided in RCW 42.56.530 and WAC 44-06-160. Requests for attorney general review must be directed to Public Records Review, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100.

(3) **Judicial review.** A requestor may obtain judicial review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative review.

[Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-100, filed 1/26/90, effective 2/26/90.]

AMENDATORY SECTION (Amending WSR 90-04-011, filed 1/26/90, effective 2/26/90)

WAC 174-276-110 ((~~Form Public records request for copies.~~))
Court protection of public records.

((~~PUBLIC RECORDS REQUEST FOR COPIES~~))

The Evergreen State College

Please indicate the records that you wish to have copied, and number of copies of each. When completed, give this request to a staff member who will accompany you to the cashier and then to the nearest copy center. You will be required to pay for the copies before receiving them.

DESCRIPTION OF MATERIALS TO BE COPIED:

.....
Requester's Signature))

(1) **Notifying interested persons.** The college, as required by permitted law or contract, including any collective bargaining agreement, and in other appropriate circumstances, may notify persons named in a public record, or to whom the record specifically pertains, that release of the record has been requested and that such persons may apply to the superior court for a protective order under RCW 42.56.540.

(2) **Applying for court protection.** The college in appropriate circumstances may apply to the superior court for a protective order enjoining the examination of any specific public record in accordance with the procedures under RCW 42.56.540. Nothing in this chapter shall

be construed as either requiring or prohibiting the college's application to the court for such an order.

[Statutory Authority: Chapter 34.05 RCW. WSR 90-04-011, § 174-276-110, filed 1/26/90, effective 2/26/90.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 174-276-020 General course and method of decision making.
- WAC 174-276-095 Requests for review.
- WAC 174-276-120 Form—Request for review—Public records request.