WSR 26-15-004
PERMANENT RULES
OFFICE OF THE
STATE TREASURER

(State Finance Committee)

[Filed July 2, 2026, 9:42 a.m., effective August 2, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Update outdated rules relating to public records under Title 210 WAC, and create rules relating to public records under Title 389 WAC. Also to incorporate gender-neutral language.

Citation of Rules Affected by this Order: New WAC 210-06-075, 210-06-085, 389-06-010, 389-06-020, 389-06-030, 389-06-040, 389-06-050, 389-06-060, 389-06-070, 389-06-080, 389-06-090, 389-06-100, and 389-06-110; repealing WAC 210-06-020, 210-06-050, 210-06-120, 210-06-130, 210-06-140, and 210-06-990; and amending WAC 210-06-010, 210-06-030, 210-06-040, 210-06-060, 210-06-070, 210-06-080, 210-06-090, 210-06-100, and 210-06-110.

Statutory Authority for Adoption: RCW 43.33.030, 43.33.040, 39.58.030, 39.58.040, 42.56.040, 42.56.070, and 42.56.100.

Adopted under notice filed as WSR 26-01-074 on December 12, 2025.

Changes Other than Editing from Proposed to Adopted Version: The original text of the proposed rules provided a link to the office of the state treasurer's public records index and stated that it was also the index for the state finance committee (SFC) and public deposit protection commission (PDPC). In addition, the rule stated the records retention schedules created by the secretary of state further served as indexes. The adopted rules removed the reference to the records retention schedules and instead specifically discussed the types of records SFC and PDPC would include in their index if such records exist, and how they would be organized. In addition, the adopted language specifically states the location and availability of the indexes and provides a schedule for reviews and updates of the indexes. The powers of SFC were also updated to better reflect its actual duties.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 13, Amended 9, Repealed 6.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 13, Amended 9, Repealed 6.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 2, 2026.

Tammie Nuber
Assistant State Treasurer

RDS-6204.2

AMENDATORY SECTION (Amending Order XII, filed 11/28/73)

WAC 210-06-010 Purpose. The purpose of this chapter ((~~shall be to ensure compliance by~~)) is to provide rules for the state finance committee to ensure compliance with the provisions of chapter ((~~1, Laws of 1973 (Initiative 276), Disclosure--Campaign finances--Lobbying--Records; and in particular with §§ 25-32 of that act, dealing with~~)) 42.56 RCW relating to public records.

AMENDATORY SECTION (Amending Order XII, filed 11/28/73)

WAC 210-06-030 Description of ((~~central and field organization of~~)) the state finance committee. ((~~(1) State finance committee.~~)) The state finance committee is ((~~a state agency~~)) the committee established by RCW 43.17.070 and chapter 43.33 RCW empowered to perform all duties prescribed by law with respect to the ((~~investment of trust and public funds~~)) supervising, authorizing, and issuing state bonds, notes, or other evidence of indebtedness, establishing maximum aggregate principal amount for financing contracts, approving the form of all financing contracts, approving the execution of a contract with one or more firms to serve as state fiscal agent, and confirmation of the term of employment of the state investment board executive director. The ((~~administrative offices of the~~)) state finance committee ((~~and its staff are located at 314 Insurance Building, Olympia, Washington.~~)) shall throughout this chapter, unless context clearly indicates otherwise, be referred to as the "committee."

AMENDATORY SECTION (Amending Order XII, filed 11/28/73)

WAC 210-06-040 ((~~Operations and procedures.~~)) Administrative operations. ((~~The state finance committee is charged with the duty to invest certain trust and public funds, as set forth in RCW 43.33.020, 43.33.025, 43.33.030, 51.44.100, and sections 12, 14, 15 and 16, chapter 103, Laws of 1973 1st ex. sess.~~)) (1) Pursuant to RCW 43.33.030, the office of the state treasurer provides administrative and clerical assistance for the committee.

(2) The administrative office of the state treasurer is in the Legislative Building, Olympia, Washington. Its contact information is:

Mail: Office of the State Treasurer
416 Sid Snyder Ave S.W., 2nd Floor, Room 230
P.O. Box 40200
Olympia, WA 98504-0200
Phone: 360-902-9000
Email: watreas@tre.wa.gov

(3) All communications with the committee including, but not limited to, the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.56 RCW and these rules, or requests for copies of the committee's decisions and other matters, should be sent or directed to the administrative office of the state treasurer.

AMENDATORY SECTION (Amending Order XII, filed 11/28/73)

WAC 210-06-060 Public records officer. (1) The ((~~state finance committee's~~)) committee designates the office of the state treasurer's public records ((~~shall be in the charge of the~~)) officer, ex officio, as the committee's public records officer ((~~designated by the agency. The person so designated shall be located in the administrative office of the agency~~)). The public records officer ((~~shall be~~)) is responsible for ((~~the following: The implementation of the state finance~~)) implementing the committee's rules ((~~and regulations~~)) regarding release of public records, coordinating ((~~the staff of~~)) with the committee in this regard, and generally ((~~insuring~~)) ensuring compliance by the staff with the public records disclosure((~~s~~)) requirements of chapter ((~~1, Laws of 1973~~)) 42.56 RCW.

(2) The public records officer may choose one or more designees to carry out the responsibilities of this chapter including, but not limited to, processing and responding to public records requests.

AMENDATORY SECTION (Amending Order XII, filed 11/28/73)

WAC 210-06-070 Office hours. The committee's public records ((~~shall be~~)) are available for inspection and copying during the customary office hours of the ((~~state finance committee~~)) office of the state treasurer. ((~~For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m.~~)) Absent an emergency or other unforeseen, exigent circumstances, records may be available at the administrative office of the state treasurer without an appointment from 10:00 a.m. to 2:00 p.m., or with an appointment from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. A scheduled appointment is strongly advised to provide time for the identification and retrieval of potentially responsive records prior to your arrival.

NEW SECTION

WAC 210-06-075 Records index. (1) The committee has implemented an indexing system for the identification and location of records required to be indexed by RCW 42.56.070(5) and 34.05.220(2). In addition to the indexing system, the office of the state treasurer maintains and continually updates the committee's website at http://tre.wa.gov/our-office/boards-and-commissions/state-finance-committee, which includes state finance committee laws, bond sale documents, and other committee documents.

(2) The following records, if any, shall be indexed as follows:

(a) Orders, including final orders and adjudicative orders, as defined in RCW 34.05.010 will be indexed chronologically and include the issuance number and topic.

(b) Interpretive or policy statements as defined in RCW 34.05.010 will be indexed chronologically and include the issuance number and topic.

(c) Committee meeting notices, materials, and minutes will be indexed chronologically.

(d) Resolutions issued by the committee will be indexed by issuance number.

(e) Records relating to bond sales will be indexed chronologically.

(3) **Location and availability.** The index is posted on the office of the state treasurer's website at tre.wa.gov/public-records-index. The index is otherwise available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

(4) **Revising and updating the records index.** The office of the state treasurer will review the committee's index at least annually to ensure that it is current and complete.

AMENDATORY SECTION (Amending Order XII, filed 11/28/73)

WAC 210-06-080 Requests for public records. ((~~In accordance with requirements of chapter 1, Laws of 1973, 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 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 state finance committee which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the committee's staff, if the public records officer is not available at the administrative office of the committee during customary office hours. The request shall include the following information:~~

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

~~(b) The time of day and 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 committee'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 staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.~~)) (1) This procedure for requesting public records ensures the office of the state treasurer can provide the fullest assistance to requestors; prevent unreasonable invasions of privacy; protect public records from damage or disorganization; and prevent excessive interference with essential functions of the committee or the office of the state treasurer.

(2) **Submitting a request.**

(a) Persons seeking public records of the committee are strongly encouraged to, before submitting a records request, first review the following websites, where many Washington state records are free for viewing and downloading at any time. If any of the web addresses below become inoperable, record seekers may contact the office of the state

treasurer to learn any replacement addresses or about similar resources:

(i) Https://tre.wa.gov/public-records-index provides a list of records available on the office of the state treasurer's website, including data and information related to the state's investments and debt.

(ii) Https://tre.wa.gov/our-office/boards-and-commissions/state-finance-committee provides access to recent committee meeting documents and resolutions.

(iii) Https://data.wa.gov provides access to multiple datasets maintained by Washington agencies.

(b) Request for committee records under the provisions of the Public Records Act may be submitted to the office of the state treasurer in one of the following ways:

(i) **Online:** https://tre.wa.gov/public-records-requests. Requestors are strongly encouraged to submit requests through the office of the state treasurer's secure online Public Records Act portal, which allows requestors to also track the status of their request and easily receive documents of any type or size.

(ii) **Email:** publicdisclosure@tre.wa.gov

(iii) **U.S. mail or delivery:**

State Finance Committee
c/o Washington State Treasurer
Attn: Public Records Officer
416 Sid Snyder Avenue, S.W.
P.O. Box 40200
Olympia, WA 98504-0200

(iv) **In person.** A request may be submitted to staff at the administrative office of the state treasurer during customary office hours. A printed form will be provided to requestors submitting oral requests in person. The completed form will be directed to the public records officer to be processed as described in this chapter.

(c) Each request should include the following information:

(i) Name of requestor;

(ii) Address of requestor;

(iii) Direct contact information, including telephone number and email address, to allow for communication if clarification is required, and for notification when records are available for viewing or retrieval; and

(iv) A clear description identifying the public records requested, including dates of the records or transactions, if appropriate.

(d) Communications seeking committee records, but which are sent or provided to unauthorized locations, addresses, or staff may not be accepted as or processed as Public Records Act requests. The office of the state treasurer may process such communications as constituent correspondence or general requests for information, as appropriate. If seeking committee records, requestors are strongly encouraged to submit their request to the public records officer as directed in (b) and (c) of this subsection.

NEW SECTION

WAC 210-06-085 Processing public records requests. (1) Upon receipt of a public records request, it will be recorded in the office

of the state treasurer's public records tracking system and will be assigned a tracking number.

(2) The public records officer will evaluate the request to determine the availability and potential volume of requested records.

(3) **Acknowledging receipt of request.** Following the initial evaluation of the request under subsection (2) of this section, and within five business days of receipt of the request, the public records officer will do one or more of the following:

(a) Make the records available for inspection or retrieval, including:

(i) If copies are available via the internet, provide an internet address to specific records requested;

(ii) If copies will be provided without a fee or deposit for the copies, send the copies to the requestor;

(b) Acknowledge receipt of the request and provide a reasonable estimate of when records or an installment of records will be available, in which the estimate may be revised from time to time;

(c) Acknowledge receipt of the request and ask the requestor to provide clarification for a request that is unclear or unduly burdensome, providing, to the greatest extent practicable, the office of the state treasurer's interpretation of the request and a reasonable estimate of time to respond based on such interpretation;

(i) Clarification may be requested and provided by telephone and memorialized in writing;

(ii) If the requestor fails to respond to a request for clarification and the office of the state treasurer cannot reasonably interpret the request to be sufficient pursuant to chapter 42.56 RCW, the office of the state treasurer need not respond to it; or

(d) Deny the request.

(4) **Providing records in installments.** The public records officer may provide copies, or access for inspection and copying, in installments. If, within 30 days, the requestor fails to inspect or take delivery of the entire set of records or any one or more installments, the request will be deemed abandoned as described in subsection (5) of this section.

(5) **Closing withdrawn or abandoned request.** When a requestor either withdraws their request or fails to amend or clarify an unclear request, take delivery of or inspect the records, pay the deposit, pay the required fees for an installment, or make final payment for the requested copies, the public records officer may deem the request abandoned, administratively close the request, and notify the requestor of such closure.

AMENDATORY SECTION (Amending Order XII, filed 11/28/73)

WAC 210-06-090 Copying fees—Payments. (1) There is no fee ((~~shall be charged for the inspection of~~)) to inspect public records. The committee ((~~shall~~)) may impose a charge ((~~a fee not to exceed 25 cents per page. This charge is the amount necessary to reimburse the committee for its actual costs incident to such copying~~)) for providing a copy of a public record.

(2) The committee does not calculate the actual costs for copying records because doing so would be unduly burdensome for the following reasons:

(a) The committee 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 committee and office of the state treasurer 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 committee, through the office of the state treasurer, may:

(a) charge for copies of records pursuant to RCW 42.56.120 (2)(b) and (c);

(b) Charge for customized services pursuant to RCW 42.56.120(3);

(c) Charge other copy fees authorized by statutes outside of chapter 42.56 RCW pursuant to RCW 42.56.130; or

(d) Enter into an alternative fee agreement with the requestor under RCW 42.56.120(4).

(4) The charges for copying methods used by the committee are summarized in the fee schedule available on the office of the state treasurer's website at https://tre.wa.gov.

(5) Before producing public records, the public records officer may require the requestor to pay:

(a) The entire cost in advance of receiving records;

(b) An advance deposit of 10 percent of the estimated fees; or

(c) The payment of the costs of providing an installment before providing that installment.

(6) The public records officer will notify the requestor if fees will be charged and when payment is required.

(7) The committee will deem abandoned and administratively close a request as described in WAC 210-06-085(5) when a requestor fails by the payment date to pay in the manner prescribed.

(8) Payment should be made by check or money order to the office of the state treasurer. The office of the state treasurer prefers not to receive cash, and it is within the public records officer's discretion to determine the denomination of bills and coins that will be accepted.

AMENDATORY SECTION (Amending Order XII, filed 11/28/73)

WAC 210-06-100 Exemptions. ((~~(1) The committee reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 210-06-080 is exempt under the provisions of § 31, chapter 1, Laws of 1973.~~

~~(2) In addition, pursuant to § 26, chapter 1, Laws of 1973, the committee reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. 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 record withheld.~~)) (1) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the

office of the state treasurer 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 written 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.

(2) **Protecting the rights of others.** If records to be produced in response to a request contain information that may affect the rights of others, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. The notice to potentially affected persons may include a copy of the request.

(3) **List of individuals.** The committee is prohibited by statute from disclosing a list of individuals for commercial purposes. The office of the state treasurer will require a commercial purpose declaration prior to disclosing a list of individuals. A copy of the commercial purpose declaration may be provided to individuals potentially affected by release of the record if such individuals are notified as described in subsection (2) of this section.

(a) For the purpose of this subsection, individuals means natural persons; provided, however, that a list that includes natural persons and entities or organizations is considered a list of individuals.

(b) For the purpose of this subsection, commercial purposes means activities of a requestor or their affiliates which are reasonably anticipated to result in the generation of revenue or be done for financial benefit.

AMENDATORY SECTION (Amending Order XII, filed 11/28/73)

WAC 210-06-110 Review of denials of public records requests. (1) Requestors are encouraged to communicate with the public records officer regarding denials of public records requests.

(2) **Petition for internal administrative review.** Any person who objects to the denial or a partial denial of a request for a public record may petition for prompt review of such decision by ((~~tendering~~)) submitting a written request for review to the public records officer at any of the methods of contact provided in this chapter. The written ((~~request shall~~)) petition must specifically ((~~refer to the~~)) include the office-assigned request number and a copy of any written statement by the public records officer or other staff member which constituted or accompanied the denial.

((~~(2)~~)) (3) **Consideration of petition for review.** Immediately after receiving a written ((~~request~~)) petition for review of a decision denying a public record, the public records officer or other staff member ((~~denying the request~~)) shall refer it to the committee's executive secretary ((~~of the committee. The executive secretary~~)), or the secretary's designee, who shall ((~~immediately~~)) consider the matter and either affirm or reverse such denial, or call a special meeting of the ((~~state finance~~)) committee as soon as ((~~legally possible~~)) practicable to review the denial. In any case, the ((~~request~~)) petition 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 system has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first~~)) receipt of the petition for review, or within such other time as the secretary or designee and the requestor mutually agree.

(4) **Review by the office of the attorney general.** Pursuant to RCW 42.56.530, if the committee denies a requestor access to a public record because it claims the record is exempt in whole or in part from disclosure, the requestor may request the office of the attorney general to review the matter. The attorney general has adopted a protocol for such requests in WAC 44-06-160.

(5) **Judicial review.** Requestors may obtain court review of denials of their public records requests pursuant to RCW 42.56.550.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 210-06-020	Definitions.
WAC 210-06-050	Public records available.
WAC 210-06-120	Records index.
WAC 210-06-130	State finance committee address.
WAC 210-06-140	Adoption of form.
WAC 210-06-990	Appendix A——Form——Request for public records.

RDS-6205.2

Chapter 389-06 WAC
PUBLIC RECORDS

NEW SECTION

WAC 389-06-010 Purpose. The purpose of this chapter is to provide rules for the public deposit protection commission to ensure compliance with the provisions of chapter 42.56 RCW relating to public records.

NEW SECTION

WAC 389-06-020 Description of the public deposit protection commission. The public deposit protection commission is the commission

established by chapter 39.58 RCW and empowered to perform all duties prescribed by law. The public deposit protection commission shall throughout this chapter, unless context clearly indicates otherwise, be referred to as the "commission."

NEW SECTION

WAC 389-06-030 Administrative operations. (1) Pursuant to RCW 39.58.220 and WAC 389-12-120, the office of the state treasurer administers the commission.

(2) The administrative office of the state treasurer is in the Legislative Building, Olympia, Washington. Its contact information is:

Mail: Office of the State Treasurer
416 Sid Snyder Ave. S.W., 2nd floor, Room 230
P.O. Box 40200
Olympia, WA 98504-0200
Phone: 360-902-9000
Email: watreas@tre.wa.gov

(3) All communications with the commission including, but not limited to, the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.56 RCW and these rules, or requests for copies of the commission's decisions and other matters, should be sent or directed to the administrative office of the state treasurer.

NEW SECTION

WAC 389-06-040 Public records officer. (1) The commission designates the office of the state treasurer's public records officer, ex officio, as the commission's public records officer. The public records officer is responsible for implementing the commission's rules regarding release of public records, coordinating with the commission in this regard, and generally ensuring compliance with the public records disclosure requirements of chapter 42.56 RCW.

(2) The public records officer may choose one or more designees to carry out the responsibilities of this chapter including, but not limited to, processing and responding to public records requests.

NEW SECTION

WAC 389-06-050 Office hours. The commission's public records are available for inspection and copying during the customary office hours of the office of the state treasurer. Absent an emergency or other unforeseen, exigent circumstances, records may be available at the administrative office of the state treasurer without an appointment from 10:00 a.m. to 2:00 p.m., or with an appointment from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. A scheduled appointment is strongly advised to provide time for the identification and retrieval of responsive records prior to your arrival.

NEW SECTION

WAC 389-06-060 Records index. (1) The commission has implemented an indexing system for the identification and location of records required to be indexed by RCW 42.56.070(5) and 34.05.220(2). In addition to the indexing system, the office of the state treasurer maintains and continually updates the commission's website at https://tre.wa.gov/our-office/boards-and-commissions/public-deposit-protection-commission, which includes public depositary protection commission laws, reports, and other commission documents.

(2) The following records, if any, shall be indexed as follows:

(a) Orders, including final orders and adjudicative orders, as defined in RCW 34.05.010 will be indexed chronologically and include the issuance number and topic.

(b) Interpretive or policy statements as defined in RCW 34.05.010 will be indexed chronologically and include the issuance number and topic.

(c) Commission meeting notices, materials, and minutes will be indexed chronologically.

(d) Resolutions issued by the commission will be indexed by issuance number.

(e) Reports will be indexed chronologically.

(3) **Location and availability.** The index is posted on the office of the state treasurer's website at tre.wa.gov/public-records-index. The index is otherwise available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

(4) **Revising and updating the records index.** The office of the state treasurer will review the committee's index at least annually to ensure that it is current and complete.

NEW SECTION

WAC 389-06-070 Requests for public records. (1) This procedure for requesting public records ensures the office of the state treasurer can provide the fullest assistance to requestors; prevent unreasonable invasions of privacy; protect public records from damage or disorganization; and prevent excessive interference with essential functions of the office or the commission.

(2) **Submitting a request.**

(a) Persons seeking public records of the commission are strongly encouraged to, before submitting a records request, first review the following websites, where many Washington state records are free for viewing and downloading at any time. If any of the web addresses below become inoperable, record seekers may contact the office of the state treasurer to learn any replacement addresses or about similar resources:

(i) Https://tre.wa.gov/public-records-index provides a list of records available on the office website, including data and information related to the state's investments and debt.

(ii) Https://tre.wa.gov/our-office/boards-and-commissions/public-deposit-protection-commission provides access to recent commission meeting documents and resolutions.

(iii) Https://data.wa.gov provides access to multiple datasets maintained by Washington agencies.

(b) Requests for commission records under the provisions of the Public Records Act may be submitted to the office of the state treasurer in one of the following ways:

(i) **Online:** https://tre.wa.gov/public-records-requests. Requestors are strongly encouraged to submit requests through the office of the state treasurer's secure online Public Records Act portal, which allows requestors to also track the status of their request and easily receive documents of any type or size.

(ii) **Email:** publicdisclosure@tre.wa.gov

(iii) **U.S. mail or delivery:**

Public Deposit Protection Commission
c/o Washington State Treasurer
Attn: Public Records Officer
416 Sid Snyder Avenue, S.W.
P.O. Box 40200
Olympia, WA 98504-0200

(iv) **In person.** A request may be made to staff at the administrative office of the state treasurer during customary office hours. A printed form will be provided to requestors submitting oral requests in person. The completed form will be directed to the public records officer to be processed as described in this chapter.

(c) The request must include the following information:

(i) Name of requestor;

(ii) Address of requestor;

(iii) Direct contact information, including telephone number and email address, to allow for communication if clarification is required, and for notification when records are available for viewing or retrieval; and

(iv) A clear description identifying the public records requested, including dates of the records or transactions, if appropriate.

(d) Communications seeking commission records, but which are sent or provided to unauthorized locations, addresses, or staff may not be accepted as or processed as Public Records Act requests. The office of the state treasurer may process such communications as constituent correspondence or general requests for information, as appropriate. If seeking commission records, requestors are strongly encouraged to submit their request to the public records officer as directed in (b) and (c) of this subsection.

NEW SECTION

WAC 389-06-080 Processing public records requests. (1) Upon receipt of a public records request, it will be recorded in the office of the state treasurer's public records tracking system and will be assigned a tracking number.

(2) The public records officer will evaluate the request to determine the availability and potential volume of requested records.

(3) **Acknowledging receipt of request.** Following the initial evaluation of the request under subsection (2) of this section, and within five business days of receipt of the request, the public records officer will do one or more of the following:

(a) Make the records available for inspection or retrieval, including:

(i) If copies are available via the internet, provide an internet address to specific records requested;

(ii) If copies will be provided without a fee or deposit for the copies, send the copies to the requestor;

(b) Acknowledge receipt of the request and provide a reasonable estimate of when records or an installment of records will be available, in which the estimate may be revised from time to time;

(c) Acknowledge receipt of the request and ask the requestor to provide clarification for a request that is unclear or unduly burdensome, providing, to the greatest extent practicable, the office of the state treasurer's interpretation of the request and a reasonable estimate of time to respond based on such interpretation:

(i) Clarification may be requested and provided by telephone and memorialized in writing;

(ii) If the requestor fails to respond to a request for clarification and the office of the state treasurer cannot reasonably interpret the request to be sufficient pursuant to chapter 42.56 RCW, the office of the state treasurer need not respond to it; or

(d) Deny the request.

(4) **Providing records in installments.** The public records officer may provide copies, or access for inspection and copying, in installments. If, within 30 days, the requestor fails to inspect or take delivery of the entire set of records or any one or more installments, the request will be abandoned as described in subsection (5) of this section.

(5) **Closing withdrawn or abandoned request.** When a requestor either withdraws their request or fails to amend or clarify an unclear request, take delivery of or inspect the records, pay the deposit, pay the required fees for an installment, or make final payment for the requested copies, the public records officer may deem the request abandoned, administratively close the request, and notify the requestor of such closure.

NEW SECTION

WAC 389-06-090 Copying fees—Payments. (1) There is no fee to inspect public records. The commission may impose a charge for providing a copy of a public record.

(2) The commission does not calculate the actual costs for copying records because doing so would be unduly burdensome for the following reasons:

(a) The commission 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 commission and office of the state treasurer 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 commission, through the office of the state treasurer may:

(a) Charge for copies of records pursuant to RCW 42.56.120 (2)(b) and (c);

(b) Charge for customized services pursuant to RCW 42.56.120(3);

(c) Charge other copy fees authorized by statutes outside of chapter 42.56 RCW pursuant to RCW 42.56.130; or

(d) Enter into an alternative fee agreement with the requestor under RCW 42.56.120(4).

(4) The charges for copying methods used by the commission are summarized in the fee schedule available on the office of the state treasurer's website at https://tre.wa.gov.

(5) Before producing public records, the public records officer may require the requestor to pay:

(a) The entire cost in advance of receiving records;

(b) An advance deposit of 10 percent of the estimated fees; or

(c) The payment of the costs of providing an installment before providing that installment.

(6) The public records officer will notify the requestor if fees will be charged and when payment is required.

(7) The commission will deem abandoned and administratively close a request as described in WAC 389-06-080(5) when a requestor fails by the payment date to pay in the manner prescribed.

(8) Payment should be made by check or money order to the office of the state treasurer. The office of the state treasurer prefers not to receive cash, and it is within the public records officer's discretion to determine the denomination of bills and coins that will be accepted.

NEW SECTION

WAC 389-06-100 Exemptions. (1) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the office of the state treasurer 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 written 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.

(2) **Protecting the rights of others.** If records to be produced in response to a request contain information that may affect the rights of others, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. The notice to potentially affected persons may include a copy of the request.

(3) **List of individuals.** The commission is prohibited by statute from disclosing a list of individuals for commercial purposes. The office of the state treasurer will require a commercial purpose declaration prior to disclosing a list of individuals. A copy of the commercial purpose declaration may be provided to individuals potentially affected by release of the record if such individuals are notified as described in subsection (2) of this section.

(a) For the purpose of this subsection, individuals means natural persons; provided, however, that a list that includes natural persons and entities or organizations is considered a list of individuals.

(b) For the purpose of this subsection, commercial purposes means activities of a requestor or their affiliates which are reasonably an-

ticipated to result in the generation of revenue or be done for financial benefit.

NEW SECTION

WAC 389-06-110 Review of denials of public records requests. (1) Requestors are encouraged to communicate with the public records officer regarding denials of public records requests.

(2) **Petition for internal administrative review.** Any person who objects to the denial or a partial denial of a request for a public record may petition for prompt review of such decision by submitting a written request for review to the public records officer at any of the methods of contact provided in this chapter. The written petition must specifically include the office-assigned request number and a copy of any written statement by the public records officer or other staff member which constituted or accompanied the denial.

(3) **Consideration of petition for review.** Immediately after receiving a written petition for review of a decision denying a public record, the public records officer or other staff member shall refer it to the treasurer, or the treasurer's designee, who shall consider the matter and either affirm or reverse such denial, or call a special meeting of the commission as soon as practicable to review the denial. In any case, the petition shall be returned with a final decision, within two business days following the receipt of the petition for review, or within such other time as the treasurer or designee and the requestor mutually agree.

(4) **Review by the office of the attorney general.** Pursuant to RCW 42.56.530, if the commission denies a requestor access to a public record because it claims the record is exempt in whole or in part from disclosure, the requestor may request the office of the attorney general to review the matter. The attorney general has adopted a protocol for such requests in WAC 44-06-160.

(5) **Judicial review.** Requestors may obtain court review of denials of public records requests pursuant to RCW 42.56.550.