

Chapter 132I-276 WAC

ACCESS TO PUBLIC RECORDS

WAC

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WAC 132I-276-010 Access to public records. This chapter shall be known as Highline Community College rules on public records.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-010, filed 7/21/92, effective 8/21/92.]

WAC 132I-276-015 Records index. A records index of all documents as required by law shall be maintained by the college.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-015, filed 7/21/92, effective 8/21/92.]

WAC 132I-276-020 Purpose. The purpose of this chapter is to ensure compliance by Highline Community College with chapter 42.17 RCW while at the same time preserving the orderly operation of the community college district and the privacy of the students and employees of the college.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-020, filed 7/21/92, effective 8/21/92.]

WAC 132I-276-030 Request for documents—Procedure. (1) All documents which are public records as defined by chapter 42.17 RCW are presumptively available for public access, except as restricted by WAC 132I-276-050. Any person wishing to inspect a public record shall submit Form 1, described in WAC 132I-276-100. Each request must be presented to the records officer, or to his secretary during regular office hours of the college, as defined in WAC 132I-276-080.

(2) The records officer shall, by the close of that business day, if the request is presented before noon, or noon the following business day if the request is presented in the afternoon:

- Make the requested document available; or
- State that such a document does not exist; or
- Ask for clarification of the document requested; or
- Deny access because the document is exempt from public inspection under WAC 132I-168-050.

The action taken shall be marked on Form 1 and returned to the person submitting the form.

(3) The registrar is hereby designated as the records officer.

(7/21/92)

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-030, filed 7/21/92, effective 8/21/92.]

WAC 132I-276-045 Review of denials of public records request. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by filing Form 2 (WAC 132I-276-110), together with Form 1 as returned.

(2) The written request (Forms 1 & 2) by a person demanding prompt review of a decision denying a public record shall be submitted to the president or his designee.

(3) 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 or his or her designee, shall complete such review.

(4) During the course of the review the president or his or her designee shall consider the obligations of the district to fully comply with the intent of chapter 42.17 RCW insofar which requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-045, filed 7/21/92, effective 8/21/92.]

WAC 132I-276-050 Exemptions. (1) Public access to documents exempt under RCW 42.17.310 or exempted from disclosure by other state or federal law shall not be granted, unless the records officer determines that disclosure would not affect any vital governmental interest. If the interest can be protected by deletion of person references, access shall be granted following deletion of such material, and a reasonable time shall be allowed for deleting the material.

(2) Individual files on students of Highline Community College shall be available for inspection only as described by chapter 132I-280 WAC. The only information contained in the individual file of an employee shall be the name, status, salary, and teaching duties of the employee. The employee, however, shall have full access to his/her personnel file.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-050, filed 7/21/92, effective 8/21/92.]

WAC 132I-276-060 Copying. Persons granted access to public records pursuant to Form 1 shall be allowed to copy such documents on a designated copier of Highline Community College on payment of fifty cents per copy. The registrar will designate the copier and inspect the copies and records after the copying is completed. Payment shall be made to a cashier of the college who will issue a receipt which must be presented to the person in charge of the copying machine.

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The charge of fifty cents per copy is the reasonable cost of paper and copying charges for Highline Community College.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-060, filed 7/21/92, effective 8/21/92.]

WAC 132I-276-070 Protest. Any employee or individual who believes a document has been or is about to be released, and, who believes his or her right to privacy will be infringed by public inspection of the document may file a protest with the president. If after consideration of the request for inspection and the protest, the president believes inspection should be denied, he or she should take appropriate action, including, if appropriate, the filing of a Section 33 request for an injunction.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-070, filed 7/21/92, effective 8/21/92.]

WAC 132I-276-080 Office hours. For purposes of this chapter, the regular office hours of Highline Community College shall be considered 9:00 a.m. through 4:00 p.m., Monday through Friday; except for legal holidays for state employees.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-080, filed 7/21/92, effective 8/21/92.]

WAC 132I-276-090 Sanctions. In accordance with RCW 42.17.290, if a person granted access to public records pursuant to this chapter destroys, mutilates, or fails to return such documents, or who returns the documents in an unreasonably disorganized fashion, then the president may order that an adjudicative proceeding as defined in chapter 34.05 RCW be conducted to determine if sanctions should be levied against such person.

Any sanctions imposed under this provision shall be strictly limited to protecting public records and in no way shall they be imposed so as to violate the college's duty to comply with chapter 42.17 RCW.

Any sanctions imposed under this section may be appealed to the president. The president shall review the record of the proceedings which give rise to the appeal.

The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal. The appeal must be filed within twenty-one days from the date of service of the initial order. The president's determination shall be final. If a student or employee of the district willfully destroys or mutilates records of the district, he/she may be subject to disciplinary proceedings pursuant to the student code of rights and responsibilities, or to the relevant rules and regulations of the district pertaining to faculty and classified staff.

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-090, filed 7/21/92, effective 8/21/92.]

WAC 132I-276-100 Public records Form 1.

Community College District IX
Public Records Form 1

To:

The applicant requests inspection of the following documents:

1.

Community College District IX
Public Records Form 1

2.
3.

The applicant agrees to return the documents unharmed and in an orderly fashion.

Signed
Address

This form must be presented to the records officer or their secretary.

Disposition:
..... The requested document is available for inspection.

..... The college is not in possession of such a document.

..... Please clarify precisely what documents are being requested as it cannot be determined from your application what documents are desired.

..... The requested is denied because the document is:

..... (a) Personal information in a file maintained for a student of this institution.

..... (b) Personal information in a file maintained for an employee of the district disclosure of which would violate the employee's right to privacy.

..... (c) A preliminary draft, note, recommendation, or interagency memorandum in which opinions are expressed or policies formulated or recommended, which document has not been publicly cited by this agency in connection with an agency action.

..... (d) A record which is relevant to a controversy to which this agency is a party which record would not be available to another party under the rules of pretrial discovery.

..... (e) The document contains personal information which, when deleted, can be released, and such deletions will be completed by

..... (f) Other.

Signed
Title

A refusal to make a record available for inspection may be appealed to the president.

Received:
Returned:
Demand:

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-100, filed 7/21/92, effective 8/21/92.]

WAC 132I-276-110 Public records Form 2.

Community College District IX
Public Records Form 2

To:

The applicant has been denied inspection of a document which is possessed by Community College District IX. The denial was made following submission of Form 1 (attached hereto).

The applicant appeals the disposition made on Form 1 and requests you to review this denial prior to the close of the second business day following the denial of the request.

Signed

Address

This form must be presented to the secretary of the president. The appellant understands the president is not available until, and agrees to an extension of the return until

Signed

Disposition:

- Inspection of the documents is granted.
- Inspection will be granted following deletion of personal material in the requested documents.
- Inspection of the documents is denied because

Signed

Title

Received:

Returned:

Demand:

[Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-276-110, filed 7/21/92, effective 8/21/92.]