

Chapter 236-56 WAC

PUBLIC RECORDS

WAC

236-56-010	Purpose.
236-56-020	Scope-conflict with other regulations.
236-56-030	Definitions.
236-56-040	Description of central and field organization of department of general administration.
236-56-050	Organizations, operations and procedures.
236-56-060	Public records available.
236-56-070	Public records officer.
236-56-080	Office hours.
236-56-090	Requests for public records.
236-56-110	Exemptions.
236-56-120	Review of denials of public records requests.
236-56-130	Protection of public records.
236-56-140	Records index.
236-56-150	Address for requests.
236-56-160	Adoption of form.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

236-56-100	Copying. [Order 75-6, § 236-56-100, filed 8/20/75.] Repealed by 96-17-087, filed 8/21/96, effective 9/21/96. Statutory Authority: RCW 34.05.354.
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WAC 236-56-010 Purpose. The purpose of this chapter shall be to ensure compliance by the department of general administration with the provisions of chapter 1, Laws of 1973 (Initiative 276) (chapter 42.17 RCW), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25-32 of that act, dealing with public records.

[Order 75-6, § 236-56-010, filed 8/20/75.]

WAC 236-56-020 Scope-conflict with other regulations. This chapter is intended to apply only to those divisions, sections, and agencies of the department of general administration for which separate rules and regulations on the subject of public records have not been or may not be promulgated. In case of any conflict between these rules and regulations, and other rules and regulations adopted for any division, section or agency of the department of general administration, adopted prior to or subsequent to these regulations, such other rules and regulations shall control and these rules and regulations shall be deemed inapplicable to such a division, section or agency.

[Order 75-6, § 236-56-020, filed 8/20/75.]

WAC 236-56-030 Definitions. (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) **Writing.** "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper

(8/21/96)

tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) **Department of general administration.** The department of general administration is established by chapter 43.19 RCW. The department of general administration shall hereinafter be referred to as the "department." Where appropriate, the term department also refers to the staff and employees of the department of general administration.

[Order 75-6, § 236-56-030, filed 8/20/75.]

WAC 236-56-040 Description of central and field organization of department of general administration.

The department is an administrative, service and regulatory agency. The administrative office of the department and its staff are located at the General Administration Building, Olympia, Washington 98504. The department maintains permanent and temporary field offices and stations at other locations throughout the state of Washington for administrative convenience, but the central administrative office is the only place at which public records are permanently stored and the only place at which the department will accept requests for information or copies of public records and agency decisions.

[Order 75-6, § 236-56-040, filed 8/20/75.]

WAC 236-56-050 Organizations, operations and procedures. The department of general administration is the primary business and service agency of Washington state government.

The department is organized and reorganized from time-to-time pursuant to chapter 43.19 RCW and other provisions of Washington law. Detailed charts or records of the structure and organization of the department and its divisions will be made available to the public by request on the same terms and conditions as any other public record maintained by the agency.

Through its various divisions and operating units it carries on the following functions:

(1) Purchases and/or leases all goods and services needed by all state agencies with limited exceptions; disposes of unneeded personal property of all state agencies at public or private sale; contracts for testing of all goods and provides the manner of inspection of all goods on delivery, storage and distribution;

(2) Maintains an inventory record of all state-owned personal property;

(3) As the contracting agency for the state of Washington, administers and manages the federal surplus property program and the U.S.D.A. donable food program including direct distribution;

(4) Manages the central stores operation for volume buying and leasing of supplies, equipment, and services for all state agencies including large warehousing facilities for centralized storage and distribution of items of common use;

[Ch. 236-56 WAC—p. 1]

(5) Acts as agent for all state agencies in the purchasing, leasing or renting of real estate needed for offices, warehouses, or similar purposes; acquires by purchase, lease and/or construction, real property to lease or sublet to state agencies; purchases land required for the four year and community colleges; performs property management for the east capitol site on rentals and leases and supervises income therefrom for bond redemption;

(6) Supervises the design and construction of new buildings and alterations in the capitol group and does comprehensive planning for the capitol area; provides similar services for other state buildings and all state institutions, four year colleges and community colleges, except the University of Washington and Washington State University, and all other agencies which do not maintain their own architectural staff;

(7) Supervises and conducts comprehensive facilities planning programs for all state agencies throughout the state to provide most efficient utilization of space, consolidation and grouping of agencies, and to determine needs for additional capital projects;

(8) Maintains and has the care, custody and control of all buildings and grounds of the capitol group including the west campus, east capitol site, Deschutes Basin, Deschutes Parkway and Capitol Lake including all access roads and the maintenance and care of all parking facilities;

(9) Maintains, manages and operates all parking facilities at the state capitol including promulgation of rules and regulations relative to pedestrian and vehicular traffic on the capitol grounds; supervises and manages rental income from parking facilities for bond redemption; maintains, manages and operates the Washington state motor pool;

(10) Maintains and operates a centralized messenger service for state agencies on and off the capitol grounds in the Olympia-Lacey-Tumwater area;

(11) Maintains and manages the general administration facilities and services revolving fund for recovery from all state agencies of costs incurred in the rendering of services, furnishing equipment, supplies, materials, providing or allocating facilities, and for all costs of operating and maintaining, repairing, remodelling or furnishing any building structure facility and all pertinent grounds connected therewith;

(12) Supervises the chartering, examination, regulation, liquidation or merging of all state banks, mutual savings banks, small loan companies, industrial loan companies, industrial development corporations, savings and loan institutions, credit unions and similar financial institutions or companies;

(13) Operates and manages the state archives, records center and records management program for state and local records and an essential records program to assure the continuity of civil government; operates a centralized microfilm bureau; supervises and manages within the facilities and services revolving fund the recovery of costs incurred in this program;

(14) Operates and manages the forms management center; provides guidance to state agencies in forms development and design, maintains inventories of standard forms for support of all state activities; coordinates forms procurement requirements with the state printer;

(15) Supervises, manages and operates the state data processing service center including all software and data com-

munications, systems development and agency coordination, programming and systems, as well as operations;

(16) Manages, administers and operates statewide communications systems including statewide intercity telephone system (SCAN), WATS, CENTREXES, data communication, and similar systems; provides counsel and assistance to all state agencies relative to development of communication systems; administers and manages coordination of state systems with other governmental entities as required;

(17) Acts in conjunction with and in support of the state capitol committee in the designing and developing of overall plans, amendments and modifications of the capitol campus in its entirety;

(18) Provides staff support on various matters to the administrative board, state purchasing advisory committee, Washington state management improvement council, and various other committees.

The structure, operations and procedures of the department may change from time-to-time as prescribed by Washington law. The foregoing statements are not intended to be exhaustive or represented to be accurate in the indefinite future. Detailed information on the operation and procedures of the department at any given time will be available at the central administrative offices of the department and supplied upon request on the same terms and conditions as any other public record held by the department.

Titles 236, 50 and 419 WAC all pertain to the operation of the department of general administration or specific divisions or sections thereof.

[Order 75-6, § 236-56-050, filed 8/20/75.]

WAC 236-56-060 Public records available. All public records of the department, as defined in WAC 236-56-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided in chapter 1, Laws of 1973 (chapter 42.17 RCW) or other provisions of law.

[Order 75-6, § 236-56-060, filed 8/20/75.]

WAC 236-56-070 Public records officer. The department's public records shall be in the charge of the public records officer designated by the department. The office of the person so designated shall be located in the administrative office of the department. The public records officer shall be responsible for the following: The implementation of the department's rules and regulations regarding release of public records, coordinating the staff of the department in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

[Order 75-6, § 236-56-070, filed 8/20/75.]

WAC 236-56-080 Office hours. Public records shall be available for inspection and copying during the customary office hours of the department. 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., Monday through Friday, excluding legal holidays.

[Order 75-6, § 236-56-080, filed 8/20/75.]

WAC 236-56-090 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 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 department which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the department's staff, if the public records officer is not available, at the administrative office of the department 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 department'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.

[Order 75-6, § 236-56-090, filed 8/20/75.]

WAC 236-56-110 Exemptions. (1) The department reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 236-56-090 is exempt under the provisions of section 31, chapter 1, Laws of 1973 (chapter 42.17 RCW) or some other applicable provision of law.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the department 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 will 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.

[Order 75-6, § 236-56-110, filed 8/20/75.]

WAC 236-56-120 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request for review must be accompanied by a copy of the written statement by the public records officer or other staff member which constituted or accomplished the denial.

(8/21/96)

(2) Upon receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer to the director of the department. The director shall consider the matter and either affirm or reverse such denial. A final decision by the director (or, in his absence, one entitled to act on his behalf) shall be made promptly and within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the department has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 75-6, § 236-56-120, filed 8/20/75.]

WAC 236-56-130 Protection of public records. Records will be made available to the requester subject to the following restrictions:

- (a) The records may not be removed from the area designated.
- (b) The quantity of records may be limited in conformance with the requested use.
- (c) All possible care will be taken by the requester to prevent damage to the records.
- (d) Records may not be marked or altered in any way.
- (e) Use of liquids and fountain pens and eating, drinking, and smoking while utilizing the records is prohibited.
- (f) Records shall not be defaced in any way including writing on, folding or folding anew if in folded form, tracing or fastening with clips or other fasteners except those that may already exist in the file.
- (g) Records may not be cut or mutilated in any way.
- (h) Records must be kept in the order in which received.
- (i) All copying of records will be done by departmental personnel.
- (j) Records will be returned to the public records officer or his designee by the requester when no longer required and no later than the end of the customary office hours as set forth in WAC 236-56-080.

[Order 75-6, § 236-56-130, filed 8/20/75.]

WAC 236-56-140 Records index. (1) **Index.** The department has available to all person [persons] a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

- (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;
- (c) Administrative staff manuals and instructions to staff that affect a member of the public;
- (d) Planning policies and goals, and interim and final planning decisions;
- (e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public a subdivision of state government, or of any private party.

(2) **Availability.** The current index promulgated by the department shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order 75-6, § 236-56-140, filed 8/20/75.]

WAC 236-56-150 Address for requests. All communications with the department including but not limited to the submission of materials pertaining to its operation and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules; requests for copies of the department's decisions and other matters, shall be addressed as follows: Department of General Administration, Attn: Public Records Officer, General Administration Building, Olympia, Washington 98504.

[Order 75-6, § 236-56-150, filed 8/20/75.]

WAC 236-56-160 Adoption of form. The department hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix "A," entitled "Request for public record." [Form—Request for public records, was not attached when filed.]

[Order 75-6, § 236-56-160, filed 8/20/75.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.