

# Chapter 131-276 WAC

## PUBLIC RECORDS

### WAC

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**WAC 131-276-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the state board for community and technical colleges with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25-32 of that act, dealing with public records.

[Statutory Authority: Chapter 28.50 [28B.50] RCW. WSR 98-23-052, § 131-276-010, filed 11/13/98, effective 12/14/98; Order 18, § 131-276-010, filed 7/2/73.]

**WAC 131-276-020 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 tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) **State board for community and technical colleges.** The state board for community and technical colleges is an agency organized by statute pursuant to RCW 28B.50.050. The state board for community college education shall hereafter be referred to as the "board." Where appropriate, the term board also refers to the staff and employees of the board.

[Statutory Authority: Chapter 28.50 [28B.50] RCW. WSR 98-23-052, § 131-276-020, filed 11/13/98, effective 12/14/98; Order 18, § 131-276-020, filed 7/2/73.]

**WAC 131-276-030 Description of organization of the state board for community and technical colleges.** The state board for community and technical colleges is a state agency organized under RCW 28B.50.050. The administrative office of the board and its staff are located at the WEA Building, 319 East 7th Avenue, Olympia, Washington.

(11/13/98)

[Statutory Authority: Chapter 28.50 [28B.50] RCW. WSR 98-22-062, § 131-276-030, filed 11/2/98, effective 12/3/98; Order 18, § 131-276-030, filed 7/2/73.]

**WAC 131-276-040 Operations and procedures.** The board is established under RCW 28B.50.050 to implement the educational and administrative purposes established by RCW 28B.50.090 and 28B.50.020. The board is operated under the supervision and control of a board of trustees. The board of trustees is made up of nine members appointed by the governor for a term of four years. The trustees meet in regular meetings as published in the Washington Administrative Code unless public notice is given of a special meeting. At such time, the board exercises the powers and duties granted it under RCW 28B.50.090 and other provisions of the laws of Washington.

[Statutory Authority: Chapter 28.50 [28B.50] RCW. WSR 98-23-052, § 131-276-040, filed 11/13/98, effective 12/14/98; Order 18, § 131-276-040, filed 7/2/73.]

**WAC 131-276-050 Public records available.** All public records of the board, as defined in WAC 131-276-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 131-276-100.

[Order 18, § 131-276-050, filed 7/2/73.]

**WAC 131-276-060 Public records officer.** The board's public records shall be in the charge of the public records officer designated by the board director. The person so designated shall be located in the administrative office of the board. The public records officer shall be responsible for the following: The implementation of the board's rules and regulations regarding release of public records, coordinating the staff of the board in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of \_\_.

[Statutory Authority: Chapter 28.50 [28B.50] RCW. WSR 98-23-052, § 131-276-060, filed 11/13/98, effective 12/14/98; Order 18, § 131-276-060, filed 7/2/73.]

**WAC 131-276-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the board. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: Chapter 28.50 [28B.50] RCW. WSR 98-23-052, § 131-276-070, filed 11/13/98, effective 12/14/98; Order 18, § 131-276-070, filed 7/2/73.]

**WAC 131-276-080 Requests for public records.** In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect

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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 board which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the board's staff, if the public records officer is not available, at the administrative office of the board 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 board'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 18, § 131-276-080, filed 7/2/73.]

**WAC 131-276-090 Copying.** No fee shall be charged for the inspection of public records. The board shall charge a fee of 10¢ per page of copy for providing copies of public records and for use of the board's copy equipment. This charge is the amount necessary to reimburse the board for its actual costs incident to such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the board will provide copies at a rate sufficient to cover any additional cost. All fees must be paid by money order, cashier's check or cash in advance.

[Order 18, § 131-276-090, filed 7/2/73.]

**WAC 131-276-100 Exemptions.** (1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 131-276-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

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

[Order 18, § 131-276-100, filed 7/2/73.]

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**WAC 131-276-110 Review of denials of public record 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 shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after 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 it to the director of the board. The director or his designee shall immediately consider the matter and either affirm or reverse such denial or consult with the attorney general to review the denial. In any case, the request 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 board has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 18, § 131-276-110, filed 7/2/73.]

**WAC 131-276-120 Protection of public records.** Requests for public records shall be made in the board offices, WEA Building, 319 East 7th Avenue, Olympia, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated for their inspection. Copies shall be made at the board offices. If copying facilities are not available at the board office, the board will arrange to have copies made commercially according to the provisions of WAC 131-276-090.

[Order 18, § 131-276-120, filed 7/2/73.]

**WAC 131-276-130 Records index.** (1) **Index.** The board has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972.

"(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 board shall be available to all persons under the same rules

