

Chapter 374-20 WAC

PUBLIC RECORDS

WAC

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WAC 374-20-010 Purpose. The purpose of this chapter is to implement those provisions of RCW 42.17.250 through 42.17.320 relating to access to public records.

[Statutory Authority: RCW 42.17.250. WSR 90-14-019 (Order 90-4), § 374-20-010, filed 6/27/90, effective 7/28/90.]

WAC 374-20-020 Definitions. (1) The terms "person," "public record," and "writing" have the same meanings as stated in RCW 42.17.020.

(2) "Agency" means the pollution liability insurance agency established pursuant to chapter 70.148 RCW. For purposes of WAC 374-20-030 through 374-20-100 inclusive, agency shall also mean staff or employees of the pollution liability insurance agency.

(3) "Director" means the director of the agency.

(4) "Public records officer" means the records manager of the agency.

(5) "Designee" means the employee of the agency designated by the director or the public records officer to serve as the public records officer at the agency in the absence of the officer.

[Statutory Authority: RCW 42.17.250. WSR 90-14-019 (Order 90-4), § 374-20-020, filed 6/27/90, effective 7/28/90.]

WAC 374-20-030 Description of organization. (1) The location of the principal offices and the mailing address of the agency are:

Pollution Liability Insurance Agency
State of Washington
1015 - 10th Avenue, S.E.
Mailstop: EN-12
Olympia, Washington 98504

(2) The principal administrative and appointing officer of the agency is the director. The director may designate other officers or employees of the agency to act in his or her behalf in the director's absence or with respect to those matters in which so doing would enhance the efficiency of the agency's operations.

(3) The agency implements and administers the pollution liability insurance program established by chapter 70.148 RCW.

(10/15/90)

[Statutory Authority: RCW 42.17.250. WSR 90-14-019 (Order 90-4), § 374-20-030, filed 6/27/90, effective 7/28/90.]

WAC 374-20-040 Public records available. (1) All public records of the agency are available for public inspection and copying pursuant to these rules and subject to subsections (2), (3), and (4) of this section.

(2) Availability of public records is subject to the exemptions and requirements of RCW 42.17.310, 42.17.315, and 70.148.060.

(3) When a public record includes information the disclosure of which would lead to an unreasonable invasion of personal privacy, the agency shall delete such information before making the record available and the public records officer shall provide a written justification for the deletion.

(4) The agency shall, upon request for identifiable public records, make them promptly available to any person. If public records requested are not readily available for inspection, the agency shall notify the requester when and where the records will be available.

[Statutory Authority: RCW 42.17.250. WSR 90-14-019 (Order 90-4), § 374-20-040, filed 6/27/90, effective 7/28/90.]

WAC 374-20-050 Records indexes. (1) Effective July 1, 1990, the agency will maintain an index or indexes of:

(a) All records issued before July 1, 1990, for which the agency has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010 (8) that were entered after June 30, 1990; and

(e) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990.

(2) Each index shall list the records they contain by date of issue, number, addressee, subject matter, or other identifying information appropriate to the type of record.

(3) Each index shall be revised or updated no less frequently than quarterly.

(4) The indexes developed by or for the agency shall be available to all persons under the same rules and under the same conditions as are applied to public records available for inspection and shall be available at the offices of the agency.

[Statutory Authority: RCW 42.17.250. WSR 90-21-051 (Order 90-9), § 374-20-050, filed 10/15/90, effective 11/15/90. Statutory Authority: RCW 42.17.250. WSR 90-14-019 (Order 90-4), § 374-20-050, filed 6/27/90, effective 7/28/90.]

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WAC 374-20-060 Requests for public records. (1) All requests for inspection or copying made in person at the agency shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date Time
Name
Address

Representing

Description of Records:
.....
.....
.....

I certify that lists of names obtained through this request for public records will not be used for commercial purposes.

Signature

Number of copies
Number of pages
Per page charge \$
Total charge \$

(2) All requests made in person may be made at the agency between the hours of 9:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m. Monday through Friday, excluding legal holidays.

(3) A request for inspection or copying of public records may be made by mail in a letter containing the following information:

- (a) The name and address of the person making the request;
- (b) The organization or group that the person represents;
- (c) The time of day and the calendar date on which the person wishes to inspect the public records;
- (d) A description of the public records requested;
- (e) A statement whether access to copying equipment is desired;
- (f) A phone number where the person can be reached in case the public records officer or designee needs to contact the person for further description of the material or any other reason;
- (g) A statement that the record will not be used for commercial purposes.

(4) All requests by mail should be received at the agency at least three business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection.

(5) The agency may in its discretion fill requests made by telephone.

[Statutory Authority: RCW 42.17.250. WSR 90-14-019 (Order 90-4), § 374-20-060, filed 6/27/90, effective 7/28/90.]

WAC 374-20-070 Fees. No fee shall be charged for inspection of public records. The agency may charge a reasonable fee, determined from time to time by the director, for providing copies of typed, printed, or written material of a maximum size of 8 1/2" by 14". The fee shall be the amount necessary to reimburse the agency for its actual costs incident to such copying. Fees for copies of nonstandard printed material or public records in nonwritten form may not exceed the agency's actual costs incident to such copying.

[Statutory Authority: RCW 42.17.250. WSR 90-14-019 (Order 90-4), § 374-20-070, filed 6/27/90, effective 7/28/90.]

WAC 374-20-080 Statement of reasons for denial of public records request. When the agency refuses, in whole or in part, a written request for inspection of any public record, it shall include a statement of the specific exemption authorizing the refusal and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 42.17.250. WSR 90-14-019 (Order 90-4), § 374-20-080, filed 6/27/90, effective 7/28/90.]

WAC 374-20-090 Reviews of denials of public records request. Upon denial of a request for inspection of a public record, in whole or in part, the public records officer or other staff member denying the request shall refer the denial to the director or the director's designee for review. The director or the director's designee shall immediately review the denial and either affirm or reverse it. Such review shall be deemed complete at the end of the second business day following the denial of inspection and shall constitute final agency action for the purpose of review. The final decision shall be sent to the person requesting inspection promptly following the decision.

[Statutory Authority: RCW 42.17.250. WSR 90-14-019 (Order 90-4), § 374-20-090, filed 6/27/90, effective 7/28/90.]

WAC 374-20-100 Protection of public records. In order to protect the public records of the agency, the following guidelines shall be adhered to by any person inspecting such public records:

- (1) No public records shall be removed from the agency's premises.
- (2) Inspection of any public record shall be conducted in the presence of a designated agency employee.
- (3) No public records may be marked or defaced in any manner during inspection.
- (4) Public records which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then only by the public records officer or designee.
- (5) Access to file cabinets, shelves, vaults, and other storage areas is restricted to office personnel, unless other arrangements are made with the public records officer or designee.

[Statutory Authority: RCW 42.17.250. WSR 90-14-019 (Order 90-4), § 374-20-100, filed 6/27/90, effective 7/28/90.]