Chapter 287-02 WAC
PUBLIC RECORDS

WAC
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

287-02-020 Definitions. [Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. WSR 81-23-012 (Order 81-1), § 287-02-020, filed 11/10/81.] Amended and decodified by WSR 16-24-047, filed 12/1/16, effective 1/1/17. Statutory Authority: RCW 42.56.040. Recodified as § 287-02-015.

287-02-030 Description of central and field organization of the state investment board. [Statutory Authority: RCW 43.33A-010 - [43.33A.]230. WSR 04-03-114, § 287-02-030, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. WSR 81-23-012 (Order 81-1), § 287-02-030, filed 11/10/81.] Amended and decodified by WSR 16-24-047, filed 12/1/16, effective 1/1/17. Statutory Authority: RCW 42.56.040. Recodified as § 287-02-025.

287-02-040 Operations and procedures. [Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. WSR 81-23-012 (Order 81-1), § 287-02-040, filed 11/10/81.] Amended and decodified by WSR 16-24-047, filed 12/1/16, effective 1/1/17. Statutory Authority: RCW 42.56.040. Recodified as § 287-02-020.

287-02-050 Public records available. [Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. WSR 81-23-012 (Order 81-1), § 287-02-050, filed 11/10/81.] Amended and decodified by WSR 16-24-047, filed 12/1/16, effective 1/1/17. Statutory Authority: RCW 42.56.040. Recodified as § 287-02-025.

287-02-057 Protection of public records. [Statutory Authority: RCW 42.56.040. WSR 16-24-047, § 287-02-057, filed 12/1/16, effective 1/1/17.] Repealed by WSR 18-18-013, filed 8/24/18, effective 9/24/18. Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, and 17, c 304.

287-02-060 Public records officer. [Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. WSR 81-23-012 (Order 81-1), § 287-02-060, filed 11/10/81.] Repealed by WSR 16-24-047, filed 12/1/16, effective 1/1/17. Statutory Authority: RCW 42.56.040.

WAC 287-02-010 Purpose. The purpose of this chapter is to provide rules for the Washington state investment board to implement the provisions of chapter 42.56 RCW relating to public records and to ensure compliance with that chapter.

[Statutory Authority: RCW 42.56.040. WSR 16-24-047, § 287-02-010, filed 12/1/16, effective 1/1/17. Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. WSR 81-23-012 (Order 81-1), § 287-02-010, filed 11/10/81.] Repealed by WSR 16-24-047, filed 12/1/16, effective 1/1/17. Statutory Authority: RCW 42.56.040.

WAC 287-02-015 Definitions. The definitions set forth in RCW 42.56.010 apply throughout this chapter. In addition, the definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Copy" means an identical reproduction of a public record. A copy can be either an electronic or physical reproduction of a public record.

"Executive director" means the executive director of the Washington state investment board.

"Page" means one impression on a single side of a sheet of paper. It also applies to one electronic image of one side of a sheet of paper.

"Public records manager" means the public records manager or designee for the Washington state investment board appointed by the executive director.

"WSIB" or "board" means the Washington state investment board established in chapter 3, Laws of 1981. Where appropriate, WSIB or agency also refers to the staff and employees of the Washington state investment board.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, and 2017, c 304. WSR 18-18-013, § 287-02-015, filed 8/24/18, effective 9/24/18. Statutory Authority: RCW 42.56.040. WSR 16-24-047, amended and recodified as § 287-02-015, filed 12/1/16, effective 1/1/17. Statutory Authority: RCW 42.56.040. Repealed by WSR 16-24-047, filed 12/1/16, effective 1/1/17. Statutory Authority: RCW 42.56.040. Recodified as § 287-02-025, filed 12/1/16, effective 1/1/17. Statutory Authority: RCW 42.56.040.

(8/24/18)
WAC 287-02-023 Description of the Washington state investment board. The Washington state investment board, created in chapter 3, Laws of 1981, and codified in chapter 43.33A RCW, is an independent board of trustees whose fiduciary responsibility is to manage retirement and public fund investments with the highest standard of professional conduct. The board's primary investment objective is to maximize returns at a prudent level of risk for the exclusive benefit of fund participants and beneficiaries.

Individual board members are appointed by the chair to serve on any of the board's four different committees which act as extensions of the board. The committees' function is to efficiently analyze investment and governance issues with greater scrutiny than would be practicable for the full board. Committee recommendations are brought to the board for consideration and a vote. The four committees are:

**Administrative committee**

The administrative committee oversees organizational, personnel, budget, legal, and legislative issues, as well as strategic asset allocation.

**Audit committee**

The audit committee assists the board in financial oversight of the WSIB including risk management, compliance monitoring, internal and external audits, corporate governance and proxy voting.

**Private markets committee**

The private markets committee develops policy and structure for private market and real estate opportunities and reviews those investments for recommendations to the board.

**Public markets committee**

The public markets committee develops policy and structure for public market investments (fixed income, domestic equity, international equity) and reviews individual equity managers to recommend to the board.

WAC 287-02-033 Public records officer. (1) The public records officer is appointed by the executive director and is located in the legal, risk and compliance unit within the operations division of the WSIB.

(2) The public records officer is in charge of the WSIB's public records program. The public records officer is responsible for the implementation of the WSIB's rules regarding the release of public records for inspection and copying, coordinating the WSIB staff in this regard, and overseeing compliance with the Public Records Act requirements in chapter 42.56 RCW.

(3) The public records officer may choose a designee to act in his or her place to carry out the responsibilities in this chapter, including processing and responding to public records requests. The WSIB's public records officer will provide the fullest assistance to requestors.

WAC 287-02-035 Availability of records. Public records are available for inspection and the preparation of requested copying during the WSIB's normal business hours. For the purposes of this chapter, normal business hours of WSIB are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Mon-
day through Friday, excluding legal holidays. Records must be inspected at the main office of the WSIB or other agency location as applicable.

[Statutory Authority: RCW 42.56.040. WSR 16-24-047, amended and recodified as § 287-02-035, filed 12/1/16, effective 1/1/17. Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. WSR 81-23-012 (Order 81-1), § 287-02-050, filed 11/10/81.]

WAC 287-02-045 Processing of public records requests—Request. (1) Any person wishing to inspect or copy public records of WSIB may submit the request in writing using the WSIB's request form, or by letter, or email addressed to RequestPublicRecords@sib.wa.gov. The request should include the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any email address;
- Identification of the public records adequate for the public records manager to locate the records; and
- The date of the request.

(2) A request for all, or substantially all, of the WSIB's records is not a valid request for identifiable records.

(3) If the requestor wishes to have copies of the records made instead of inspecting them, he or she should so indicate. Costs will be assessed in compliance with WAC 287-02-075.

(4) A request form is available for use by requestors at the administrative office of the WSIB and online at http://www.sib.wa.gov.

(5) Requests may also be submitted to the receptionist at the WSIB by telephone or in person; however, the requesting party may be asked to reduce the request to writing for the sake of clarity. Alternatively, the public records officer may confirm receipt of the request and restate the substance of the request in writing.

(6) The WSIB may deny a bot request, or a request that is one of multiple requests made by the same requestor within a twenty-four-hour period, if responding to the multiple requests would cause excessive interference with essential WSIB functions and the WSIB reasonably believes the request to be automatically generated by a computer program or script.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, and 2017, c 304. WSR 18-18-013, § 287-02-047, filed 8/24/18, effective 9/24/18. Statutory Authority: RCW 42.56.040. WSR 16-24-047, § 287-02-047, filed 12/1/16, effective 1/1/17.]

WAC 287-02-047 Processing of public records requests—Response. (1) Within five business days of receipt of the request, the public records manager will do one or more of the following:

(a) Produce the requested records;

(b) Provide the requestor with a link to the requested documents located on the internet;

(c) Provide a reasonable estimate of when records will be available;

(d) Seek clarification of the request and provide a reasonable estimate (where possible) of when records will be provided if no clarification is received; or

(e) Deny the request.

(2) If records responsive to the request contain information implicating a third party's privacy or financial interest and any exemption from disclosure of that information arguably applies, the public records officer may give notice to those parties before releasing the records. Such notice provides those third parties an opportunity to seek a court order pursuant to RCW 42.56.540. The WSIB will inform the record requestor that it is providing third-party notice.

(3) If records responsive to the request are exempt from disclosure, in whole or in part, the public records officer will identify the record, state the specific exemption, and provide a brief 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, the public records officer will produce the nonexempt portions.

(4) If a requestor withdraws the request, fails to inspect the records, fails to pay the deposit if required under WAC 287-02-065 and 287-02-075, or make final payment for the requested records, the public records officer will close the request.

(5) The WSIB is not required to create new documents in order to respond to a request for public records or to provide records that are not the WSIB's own public records.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, and 2017, c 304. WSR 18-18-013, § 287-02-047, filed 8/24/18, effective 9/24/18. Statutory Authority: RCW 42.56.040. WSR 16-24-047, § 287-02-047, filed 12/1/16, effective 1/1/17.]
(b) The quantity of records may be limited in accordance with the requested use;

(c) All possible care must be taken by the requestor to prevent damage to the records;

(d) Records may not be marked, altered, cut, mutilated, or 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;

(e) Use of liquids and fountain pens and eating, drinking, and smoking while utilizing the records is prohibited;

(f) Records must be kept in the order in which received;

(g) All copying of records will be done by WSIB personnel; and

(h) Records will be returned to the public records officer by the requestor at the conclusion of the time given to inspect records and no later than the end of the customary office hours as set forth in WAC 287-02-035.

(7) When a requestor requests records in an electronic format, the public records officer will provide available non-exempt electronic public records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record, or as otherwise agreed to between the requestor and the public records officer.

(8) Whenever possible, WSIB will provide records in electronic format. If the WSIB has only a paper copy of the record, the WSIB, when feasible, may scan the paper record and provide the resulting electronic copy to the requestor. If the WSIB maintains the record in electronic format, the record will be provided in the maintained electronic format unless the requestor specifically asks to receive the record in paper copies or it is otherwise not feasible to provide the record in electronic format.

[Statutory Authority: RCW 42.56.040. WSR 16-24-047, § 287-02-065, filed 12/1/16, effective 1/1/17.]

WAC 287-02-065 Response to public records request—Installments. (1) The public records officer may provide records or access for inspection and copying in installments.

(2) Requestors will be notified when an installment is ready. If a requestor fails to inspect or collect an installment within thirty days, the public records officer may close the request.

(3) Where payment is required as part of a public records request under WAC 287-02-075, the public records officer may require payment for each installment either prior to providing the installment or prior to providing subsequent installments and may require a deposit up to ten percent of the estimated cost of preparing or producing an installment. If the requestor fails to pay the required cost in a timely manner the public records officer may close the request.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, and 2017, c 304. WSR 18-18-013, § 287-02-065, filed 8/24/18, effective 9/24/18. Statutory Authority: RCW 42.56.040. WSR 16-24-047, § 287-02-065, filed 12/1/16, effective 1/1/17.]

WAC 287-02-075 Costs of providing public records. (1) There is no fee for inspecting public records. WSIB may impose a charge for providing public records.

(2) The WSIB does not calculate the actual costs for copying its records, because doing so would be unduly burdensome and it is in the public’s best interest for the WSIB to adopt the fees in RCW 42.56.120 (2)(b). The WSIB fee schedule is:

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<thead>
<tr>
<th>WSIB Fee Schedule</th>
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<tbody>
<tr>
<td><strong>Inspection:</strong></td>
</tr>
<tr>
<td>No fee</td>
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<tr>
<td>No fee</td>
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<tr>
<td><strong>Copies:</strong></td>
</tr>
<tr>
<td>15 cents/page</td>
</tr>
<tr>
<td>10 cents/page</td>
</tr>
<tr>
<td>5 cents/each 4 electronic files or attachments</td>
</tr>
<tr>
<td>10 cents/gigabyte</td>
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<tr>
<td><strong>Actual cost</strong></td>
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<td><strong>Actual cost</strong></td>
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† Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request.
(3) The WSIB may charge the actual costs of providing electronic or paper copies in response to a public records request when complying with the public records request will require IT expertise to prepare data compilations or provide customized electronic access services that are not used by the WSIB for any other purpose.

(4) Before producing public records, the public records officer may require:
   (a) A deposit of up to ten percent of the estimated costs of copying all the records requested;
   (b) The payment of the remainder of the costs before providing all the records; or
   (c) The payment of the costs of providing an installment before providing that installment. The WSIB will not charge sales tax when it makes copies of public records.

(5) Payment may be made by cash in the exact amount charged, check, or money order made payable to the Washington state investment board.

(6) If a requestor fails to pay for records in full or in part by the requested due date, the request will be closed.

(7) The WSIB may enter into any contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee arrangement to the fees charged above when the response to the particular request is voluminous or frequently occurring.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, and 2017, c 304. WSR 18-18-013, § 287-02-075, filed 8/24/18, effective 9/24/18. Statutory Authority: RCW 42.56.040. WSR 16-24-047, § 287-02-075, filed 12/1/16, effective 1/1/17. Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. WSR 81-23-012 (Order 81-1), § 287-02-080, filed 11/10/81.]

WAC 287-02-085 Records index. (1) The state general records retention schedule and the WSIB's unique records retention schedule, as established and approved by the state records committee, serve as the index for the identification and location of the WSIB's records, including those described in RCW 42.56.070(5).

(2) The current index, as described in subsection (1) of this section, is available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. The index can be found on the WSIB web site at http://www.sib.wa.gov.

[Statutory Authority: RCW 42.56.040. WSR 16-24-047, § 287-02-085, filed 12/1/16, effective 1/1/17.]

WAC 287-02-090 Communications with the agency. All communications with WSIB to access public records of the WSIB or seek assistance in making such a request, or for the purpose of obtaining information, making submittals or requests, or making inquiries concerning the agency's rules for compliance with chapter 42.56 RCW or seeks review under WAC 287-02-080 must be addressed as follows:

Washington State Investment Board
Public Records Manager
2100 Evergreen Park Drive S.W.
P.O. Box 40916
Olympia, WA 98504-0916
Email: PublicRecordsRequest@sib.wa.gov.

Information is also available at the WSIB web site at http://www.SIB.wa.gov.

[Statutory Authority: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, and 2017, c 304. WSR 18-18-013, § 287-02-090, filed 8/24/18, effective 9/24/18. Statutory Authority: RCW 42.56.040. WSR 16-24-047, § 287-02-090, filed 12/1/16, effective 1/1/17. Statutory Authority: RCW 34.04.020(2), 42.17.250 and 42.17.260. WSR 81-23-012 (Order 81-1), § 287-02-090, filed 11/10/81.]

(8/24/18)