

**Chapter 132X-10 WAC
PUBLIC RECORDS**

Last Update: 1/17/12

WAC

132X-10-010	Purpose.
132X-10-020	Definitions.
132X-10-030	Description of central and field organization of South Puget Sound Community College District 24.
132X-10-040	Operations and procedures.
132X-10-050	Public records available.
132X-10-060	Public records officer.
132X-10-070	Office hours.
132X-10-080	Requests for public records.
132X-10-090	Copying.
132X-10-100	Exemptions.
132X-10-110	Review of denials of public records requests.
132X-10-120	Protection of public records.
132X-10-130	Records index.
132X-10-140	Adoption of form.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132X-10-150	Request for public records to South Puget Sound Community College. [Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-10-150, filed 10/18/88.] Repealed by WSR 12-03-093, filed 1/17/12, effective 2/17/12. Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040.
-------------	--

WAC 132X-10-010 Purpose. The purpose of this chapter shall be to ensure compliance by the South Puget Sound Community College District 24 with the provisions of chapter 42.56 RCW, Public Records Act.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. WSR 12-03-093, § 132X-10-010, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). WSR 00-05-023, § 132X-10-010, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-10-010, filed 10/18/88.]

WAC 132X-10-020 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" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

(3) South Puget Sound Community College District 24. The South Puget Sound Community College District 24 is an agency organized by statute pursuant to RCW 28B.50.040. Where appropriate, the term college also refers to the staff, the board of trustees, and the employees of the college.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. WSR 12-03-093, § 132X-10-020, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-10-020, filed 10/18/88.]

WAC 132X-10-030 Description of central and field organization of South Puget Sound Community College District 24. South Puget Sound is a community college district organized under RCW 28B.50.040. The district administrative office and its staff are located at South Puget Sound Community College, 2011 Mottman Road, S.W., Olympia, Washington 98512.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-05-023, § 132X-10-030, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-10-030, filed 10/18/88.]

WAC 132X-10-040 Operations and procedures. The college is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members each appointed by the governor to a term of five years. The trustees meet on the South Puget Sound Community College campus in accordance with public notice and hold such special meetings as are announced by public notice. At such time the trustees exercise the powers and duties granted it under RCW 28B.50.140.

[Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-10-040, filed 10/18/88.]

WAC 132X-10-050 Public records available. All public records of the college, as defined in WAC 132X-10-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.56.210, 42.56.230, 42.56.070, 42.56.510 and WAC 132X-10-100.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. WSR 12-03-093, § 132X-10-050, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). WSR 00-05-023, § 132X-10-050, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-10-050, filed 10/18/88.]

WAC 132X-10-060 Public records officer. The college's public records shall be in the charge of the public records officer designated by the president. The person so designated at the college is the chief human resources officer. The public records officer shall be responsible for the following: The implementation of the college's rules and regulations regarding release of public records, coordinating the staff of the college in this regard, serving as a point of contact for members of the public in requesting disclosure of public records, and to oversee the college's compliance with the public records disclosure requirements of RCW 42.56.001 through 42.56.904.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. WSR 12-03-093, § 132X-10-060, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). WSR 00-05-023, § 132X-10-060, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-10-060, filed 10/18/88.]

WAC 132X-10-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the college. 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 Thursday, excluding legal holidays.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. WSR 12-03-093, § 132X-10-070, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-10-070, filed 10/18/88.]

WAC 132X-10-080 Requests for public records. In accordance with requirements of RCW 42.56.001 through 42.56.904 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 copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request should be made in writing upon a form prescribed by the college which shall be available at its human resources office. The form shall be presented to the public records officer and/or his/her designees, at the human resources office during customary office hours referenced in WAC 132X-10-070. The request shall include the following information:

(a) The name, signature, mailing address, telephone and email address (if any) of the person requesting the record;

(b) The time of day and calendar date on which the request was made; and

(c) The nature of the request and the specific identifiable record(s) being sought.

(2) In all cases the public records officer and/or his/her designees, should, whenever possible, assist the requestor in appropriately identifying the public record requested.

(3) The public records officer and/or his/her designee to whom the request is presented shall, by the close of five business days:

(a) Make the requested document available; or

(b) Advise the requestor as to the estimated date of availability of the requested record(s); or

(c) State that such a document does not exist; or

(d) Ask for clarification of the document requested; or

(e) Deny access because the document is exempt from public inspection under WAC 132X-10-050.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. WSR 12-03-093, § 132X-10-080, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). WSR 00-05-023, § 132X-10-080, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-10-080, filed 10/18/88.]

WAC 132X-10-090 Copying. No fee shall be charged for the inspection of public records. The college shall charge a fee of 15¢ per page of copy for providing copies of public records and for use of the college's copy equipment. This charge is the amount necessary to reimburse the college for its actual costs incident to such copying. If a particular request for copies requires the use of any equipment not

readily available, the college 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 either in advance or at the time of tender of the records.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. WSR 12-03-093, § 132X-10-090, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-10-090, filed 10/18/88.]

WAC 132X-10-100 Exemptions. (1) The college reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132X-10-080 is exempt under the provisions of chapter 42.56 RCW including, but not limited to, RCW 42.56.510.

(2) In addition, pursuant to RCW 42.56.070, the college reserves the right to lawfully strike out information in public records it discloses, in cases when disclosure of such details would constitute personal information as defined in RCW 42.56.230 or would constitute an invasion of privacy as defined in RCW 42.56.050 and referenced in RCW 42.56.230(2). The public records officer and/or his/her designee will reflect the relevant RCWs supporting such strikeouts either on the document at the point of striking out or in a knockout log enclosed with or part of the transmittal letter accompanying the records.

(3) All denials of requests for public records will be accompanied by a written statement specifying the RCW exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(4) The release or disclosure of student educational records is governed by federal regulation (FERPA). Separate and different procedures are established by the college for student educational records.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. WSR 12-03-093, § 132X-10-100, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). WSR 00-05-023, § 132X-10-100, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-10-100, filed 10/18/88.]

WAC 132X-10-110 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 shall specifically refer to the written statement by the public records officer and/or his/her designees 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 and/or his/her designee denying the request shall refer it to the president. The president or his/her designee shall consider the college's obligation to comply with the intent of chapter 42.56 RCW, the exemptions provided in chapter 42.56 RCW including, but not limited to, RCW 42.56.070, 42.56.320, 42.56.510 and other pertinent statutes, along with statutory provisions which require the college to protect public records from damage or disorganization, prevent excessive interference with essential college functions, and prevent any unreasonable invasion of personal privacy by deleting identifying details. In any case,

the request shall be returned with a final decision, within five business days following the original denial.

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

(4) Whenever the college concludes that a public record is exempt from disclosure and denies inspection and copying, the requestor may request a review of the matter by the office of the attorney general. A written request for review by the attorney general's office, along with a copy of the request and the college's written denial should be sent directly to the office of attorney general in Olympia, Washington. The office of the attorney general will conduct a prompt and independent review of the request and the college's denial and provide a written opinion as to whether the record requested is exempt from disclosure. This review is not binding upon the college or the requestor.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. WSR 12-03-093, § 132X-10-110, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). WSR 00-05-023, § 132X-10-110, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-10-110, filed 10/18/88.]

WAC 132X-10-120 Protection of public records. Requests for public records shall be to the public records officer and/or his/her designees in the human resources office. Public records and a facility for their inspection will be provided by the public records officer and/or his/her designees. Such records shall not be removed from the place designated for their inspection. Copies shall be made at South Puget Sound Community College. If copying facilities are not available at the college, the college will arrange to have copies made commercially according to the provisions of WAC 132X-10-090.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. WSR 12-03-093, § 132X-10-120, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-10-120, filed 10/18/88.]

WAC 132X-10-130 Records index. (1) Index. The public records officer and/or his/her designees have available to all persons a current index which provides identifying information as to those records adopted or promulgated and indexed since January 2, 1973, in the following areas:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of rules and interpretations of rules, 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;

(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;

(g) Financial records and budgets; and

(h) Board of trustees' minutes and reports.

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

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. WSR 12-03-093, § 132X-10-130, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-10-130, filed 10/18/88.]

WAC 132X-10-140 Adoption of form. The college hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form in WAC 132X-10-150, entitled "Request for public records to South Puget Sound Community College."

[Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-10-140, filed 10/18/88.]