Chapter 246-02 WAC
PUBLIC RECORDS

Last Update: 3/17/25

WAC

WAC 246-02-010 Purpose. The purpose of this chapter is to implement the requirements of the Public Records Act, chapter 42.56 RCW. These rules establish the procedures for any person wishing to request access to the department of health's (department) public records and the process the department will follow to provide full access to its public records. The department adopts these rules to provide the fullest assistance to requestors and full access to the department's public records while protecting those records from damage or disorganization; preventing excessive interference with other essential agency functions, including the agency's core mission to protect and improve the health of all people in Washington state; and preventing unreasonably disruption of agency operations.

[Statutory Authority: RCW 43.70.040, 42.56.040, 42.56.070, 42.56.100, and 42.56.120. WSR 25-07-081, s 246-02-010, filed 3/17/25, effective 4/17/25.]

WAC 246-02-020 Definitions. (1) "Department" means the department of health.

(2) "Disclosure" means inspection or copying of records.

(3) "Exempt" means not subject to disclosure under the Public Records Act or as authorized by any other statute that prohibits disclosure of specific information or records.

(4) "Inspection" means viewing public records in person at a department of health office.

(5) "Nonexempt" means subject to disclosure under the Public Records Act.

(6) "Public record" shall have the same meaning as stated in RCW 42.56.010.

(7) "Public Records Act" means chapter 42.56 RCW.

(8) "Public records officer" means the employee(s) who oversees the department's compliance with the Public Records Act and the department's rules regarding disclosure of public records.

(9) "Requestor" means any person who requests access to the department of health's public records under the Public Records Act, chapter 42.56 RCW.

(10) "Secretary" means the secretary of the department of health.

(11) "Writing" shall have the same meaning as in RCW 42.56.010.

[Statutory Authority: RCW 43.70.040, 42.56.040, 42.56.070, 42.56.100, and 42.56.120. WSR 25-07-081, s 246-02-020, filed 3/17/25, effective 4/17/25.]

WAC 246-02-030 Agency description—Contact information—Public records officer. (1) Agency description. The department is an agency headed by a secretary appointed by the governor subject to confirmation by the senate. The powers and duties of the secretary are described in chapter 43.70 RCW. The department's mission is to protect and improve the health of all people in Washington state.

(2) Contact information. The department's public disclosure office is located at: 111 Israel Rd S.E., Tumwater, WA 98504-7808.

(3) Public records officer. The public records officer oversees the department's compliance with the Public Records Act and the department's rules regarding disclosure of public records.

(a) The department's public records officer may be contacted at the following mailing address, telephone number, or email address:

Public Records Officer
Department of Health
P.O. Box 47808
Olympia, WA 98504-7808
360-236-4220
publicdisclosure@doh.wa.gov

Information and records are also available at the department's website at doh.wa.gov.

(b) The name of the current public records officer is on file with the office of the code reviser in accordance with RCW 42.56.580 and is published in the *Washington State Register*.

(c) The department may designate other employees to process and respond to requests for public records in addition to the public records officer.

[Statutory Authority: RCW 43.70.040, 42.56.040, 42.56.070, 42.56.100, and 42.56.120. WSR 25-07-081, s 246-02-030, filed 3/17/25, effective 4/17/25.]

WAC 246-02-040 Requests for public records. (1) To request, inspect, or copy public records of the department, a requestor shall make the request in writing through the agency's online portal, or via mail or email to the public records officer at the address set forth in WAC 246-02-030.

(2) A request for public records should include the following information:

(a) The requestor's name, email or mailing address, and telephone number;

(b) The calendar date on which the request is made; and

(c) A request for identifiable records, in which the requestor has given a reasonable description and sufficient clarity to enable the department to locate the requested records.

(3) A request received after normal business hours will be considered to have been received the following business day.

[Statutory Authority: RCW 43.70.040, 42.56.040, 42.56.070, 42.56.100, and 42.56.120. WSR 25-07-081, s 246-02-040, filed 3/17/25, effective 4/17/25.]

WAC 246-02-050 Responses to public records requests. (1) Receipt of request. The department will respond to a request for public records within five business days of receipt, by either:

(a) Providing the record(s);

(b) Providing an internet address and website link to the record(s);

(c) Acknowledging receipt of the request and providing a reasonable estimate of when the record(s) or an installment of records will be available;

(d) Acknowledging that the department has received the request, asking for clarification to the extent the request is unclear, and providing a reasonable estimate of the time the department will require to respond to the request if not clarified; or

(e) Denying the public record request.

(2) Requests for clarification. When acknowledging receipt of a public record request that is unclear, the department may ask the requestor to clarify what records the requestor is seeking. If the requestor fails to clarify the request within 10 business days, the department need not respond and may close the request. The department will respond to any portions of a request that are sufficiently clear to enable the department to locate the requested record(s).

(3) Additional time. The public records officer or designee may revise the estimate of the time required to respond to a request. The need for additional time to fulfill the request may be based on the need to clarify the request, locate and assemble the requested records, notify third persons or agencies affected by the request, or determine whether any of the information in the records is exempt from disclosure and that a denial should be made as to all or part of the request.

(4) Installments. The department may provide records on an installment basis. The department need not locate and assemble records responsive to a subsequent installment until the requestor claims or inspects the previous installment. If the requestor does not claim or inspect an installment within 10 business days of the notice of availability, the department need not continue processing the request and may close the request.

(5) Electronic records. When electronic records are requested, the department will provide the nonexempt 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, at the department's discretion, in a format that is reasonably translatable from the format in which the agency keeps the records. The department is under no obligation to convert electronic records to a specific format identified by the requestor. When metadata is requested, the department will provide the records in a native file format that preserves metadata where technically feasible.

(6) Completion of request. When the inspection or disclosure of the requested records is complete and all requested copies are provided to the requestor, the public records officer or designee will notify the requestor that the department has completed its search for the requested records and made any located nonexempt records available for inspection or disclosure.

(7) Protecting rights of others. If the requested records contain information that may affect the rights of others and may be exempt from disclosure, the public records officer or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure.

(8) Requests for lists of individuals. Under RCW 42.56.070(9), the department may not disclose lists of individuals requested for commercial purposes. However, lists of applicants for professional licenses and of professional licensees may be made available to professional associations or educational organizations approved by the applicable licensing board. Professional associations and educational organizations may apply for approval as provided on the department's website at doh.wa.gov.

[Statutory Authority: RCW 43.70.040, 42.56.040, 42.56.070, 42.56.100, and 42.56.120. WSR 25-07-081, s 246-02-050, filed 3/17/25, effective 4/17/25.]

WAC 246-02-060 Costs of providing public records. (1) Inspection. The department does not charge a fee for the inspection of public records. If printed copies of public records are requested at the time of inspection, the department may charge fees for producing copies as provided in subsection (2) of this section.

(2) Fee schedule. The department may charge fees for producing copies of public records consistent with the fee schedule established in RCW 42.56.120 and as published in the department's fee schedule available on its website at doh.wa.gov. Pursuant to RCW 42.56.120(2), the department does not calculate the actual costs for copying its records because it would be unduly burdensome for the following reasons:

(a) The department does not have the funding or staff resources to conduct a study and calculate actual copying costs for its records;

(b) To conduct such a study would interfere with other essential agency functions; and

(c) A study would interfere with and disrupt other essential agency functions.

(3) Costs of external vendors. If the department uses an external vendor to copy records, such as records in nonstandard sizes or formats, the department will charge the requestor the actual amount charged by the external vendor.

(4) Deposits. Before copying public records, the public records officer or designee may require the requestor to pay a deposit of up to 10 percent of the estimated cost of copying all the records requested. The public records officer or designee may also require payment of the remainder of the copying costs before providing all the records, or the payment of costs of copying an installment before providing the installment.

(5) Customized electronic access services. At the department's sole discretion, the department may provide customized electronic access to public records if the agency estimates that the request would require the use of information technology expertise to prepare data compilations, or when such compilations and customized access services are not used by the department for other agency purposes. The department will charge the actual costs, including staff time, necessary to reimburse the agency for providing customized electronic access services. The department will notify the requestor of the customized service charge to be applied to the request, as provided under RCW 42.56.120 (3)(b), and will provide the requestor the opportunity to amend the request to avoid or reduce the cost of a customized service charge.

(6) Payment of fees. The department will not release any requested copies of public records unless and until the requestor has paid

all copying and other charges as set forth in this section. If a requestor fails to pay the requested deposits or fees, the request will be closed.

(7) Waiver of fees. The department may waive any charges for providing public records at the discretion of the public records officer or designee. This determination will be made on a case-by-case basis.

[Statutory Authority: RCW 43.70.040, 42.56.040, 42.56.070, 42.56.100, and 42.56.120. WSR 25-07-081, s 246-02-060, filed 3/17/25, effective 4/17/25.]

WAC 246-02-070 Notice of availability. (1) Once records responsive to a request or any installment thereof have been located, assembled, reviewed, and prepared for release, and any affected third persons or entities notified, the department will notify the requestor that those records are available for inspection or copying.

(2) The notice of availability will state any costs for obtaining copies of the records and any other allowable costs under WAC 246-02-060 or the Public Records Act.

(3) Upon receipt of the notice of availability, the requestor may access the records electronically, request copies of the records, or inspect records by scheduling a viewing appointment with the public records officer or designee.

[Statutory Authority: RCW 43.70.040, 42.56.040, 42.56.070, 42.56.100, and 42.56.120. WSR 25-07-081, s 246-02-070, filed 3/17/25, effective 4/17/25.]

WAC 246-02-080 Denial of public records request—Claim of exemption. (1) Some records are exempt from disclosure, in whole or in part. If the department determines that a record is exempt from disclosure and will be withheld, the public records officer or designee will state the specific exemption and provide the requestor a brief written explanation of why the record, or a portion of the record, is being withheld.

(2) If only a portion of a record is exempt from disclosure, the public records officer or designee will redact the exempt portions, provide the nonexempt portions, and state the specific exemption and briefly explain why portions of the record are being withheld.

[Statutory Authority: RCW 43.70.040, 42.56.040, 42.56.070, 42.56.100, and 42.56.120. WSR 25-07-081, s 246-02-080, filed 3/17/25, effective 4/17/25.]

WAC 246-02-090 Review of denial of public records—Claim of exemption. (1) Any requestor who objects to the denial or partial denial of a request for a public record may petition in writing to the public records officer for a review of that decision within one year from the closure date of the request. The requestor may submit the request to the public records officer via mail or email to the address set forth in WAC 246-02-030. The written request shall include or specifically refer to the written statement by the public records officer or designee denying the request.

(2) Upon receipt of a written request for review, the public records officer will promptly consider the matter and either affirm or reverse the denial. Within two business days following receipt of the petition for review, the public records officer will notify the requestor of the decision or notify the requestor that more time is required to consider the petition.

(3) Any requestor who disagrees with the department's denial or partial denial of a request for a public record may also:

(a) Request that the office of the attorney general review the matter, as provided under RCW 42.56.530 and WAC 44-06-160; or

(b) Seek judicial review pursuant to RCW 42.56.550.

[Statutory Authority: RCW 43.70.040, 42.56.040, 42.56.070, 42.56.100, and 42.56.120. WSR 25-07-081, s 246-02-090, filed 3/17/25, effective 4/17/25.]

WAC 246-02-100 Protection of public records. To adequately protect the department's public records, a requestor shall comply with the following guidelines while inspecting public records:

(1) A requestor may not remove any public record from the department's premises.

(2) A requestor shall have a designated department employee present while inspecting a public record.

(3) A requestor may not mark or deface a public record in any manner during inspection.

(4) A requestor may not dismantle public records that are maintained in a file or jacket, or in chronological or other filing order, or those records which, if lost or destroyed, would constitute excessive interference with the department's essential functions.

(5) Access to file cabinets, shelves, vaults, or other storage areas is restricted to department personnel, unless other arrangements are made with the public records officer or designee.

[Statutory Authority: RCW 43.70.040, 42.56.040, 42.56.070, 42.56.100, and 42.56.120. WSR 25-07-081, s 246-02-100, filed 3/17/25, effective 4/17/25.]