

**Chapter 400-06 WAC
COMMUNICATIONS—PUBLIC RECORDS**

Last Update: 5/20/10

WAC

400-06-010 Purpose.
400-06-020 Definitions.
400-06-090 Public records available.
400-06-100 Office hours.
400-06-110 Requests for public records.
400-06-120 Copying.
400-06-130 Exemptions.
400-06-140 Review of denials of public records request.
400-06-150 Protection of public records.
400-06-160 Records index.
400-06-170 Communications.
400-06-180 Request for public record—Form.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

400-06-030 Authority operations and procedures. [Statutory Authority: Chapter 90.70 RCW and RCW 43.21C.120. WSR 90-17-063, § 400-06-030, filed 8/15/90, effective 9/15/90. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-030, filed 2/3/86.] Repealed by WSR 10-12-009, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

400-06-050 Puget Sound water quality authority officers—Terms. [Statutory Authority: Chapter 90.70 RCW and RCW 43.21C.120. WSR 90-17-063, § 400-06-050, filed 8/15/90, effective 9/15/90. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-050, filed 2/3/86.] Repealed by WSR 10-12-009, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

400-06-060 Puget Sound water quality authority—Regular meetings. [Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-060, filed 2/3/86.] Repealed by WSR 10-12-009, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

400-06-070 Puget Sound water quality authority—Description of organization. [Statutory Authority: Chapter 90.70 RCW. WSR 91-20-076, § 400-06-070, filed 9/27/91, effective 10/28/91. Statutory Authority: Chapter 90.70 RCW and RCW 43.21C.120. WSR 90-17-063, § 400-06-070, filed 8/15/90, effective 9/15/90. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-070, filed 2/3/86.] Repealed by WSR 10-12-009, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

WAC 400-06-010 Purpose. The purpose of this chapter is to describe the partnership's communications to ensure compliance by the partnership with the provisions of chapter 42.56 RCW dealing with public records.

[Statutory Authority: Chapter 90.71 RCW. WSR 10-12-009, § 400-06-010, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-010, filed 2/3/86.]

WAC 400-06-020 Definitions. (1) The terms "agency," "public record," and "writing" shall have the meaning as stated in RCW 42.56.010.

(2) "Partnership" means the Puget Sound partnership.

(3) "Director" means the executive director of the partnership as established in RCW 90.71.240.

(4) "Public records officer" means the partnership staff member so designated by the director.

[Statutory Authority: Chapter 90.71 RCW. WSR 10-12-009, § 400-06-020, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.70 RCW and RCW 43.21C.120. WSR 90-17-063, § 400-06-020, filed 8/15/90, effective 9/15/90. Statutory Authority: RCW 42.17.250 through

42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-020, filed 2/3/86.]

WAC 400-06-090 Public records available. All public records of the agency, as defined in WAC 400-06-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.56.210.

[Statutory Authority: Chapter 90.71 RCW. WSR 10-12-009, § 400-06-090, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-090, filed 2/3/86.]

WAC 400-06-100 Office hours. Public records shall be available for inspection and copying during the customary office hours of the agency. For the purposes of this chapter, the customary office hours shall be from 8 a.m. to noon and from 1 p.m. to 5 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-100, filed 2/3/86.]

WAC 400-06-110 Requests for public records. In accordance with requirements of chapter 42.56 RCW 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 shall be made in writing (or by fax or electronic mail if desired) upon a form prescribed by the partnership, which shall be available at its office. A request that is made other than upon the form prescribed by the office is permissible, but must provide the information listed in (a) through (e) of this subsection. The form shall be presented to the public records officer; or to any member of the partnership's staff, if the public records officer is not available, at the office of the agency during customary office hours. The request shall include the following information:

(a) The name, address, telephone numbers, and organization represented, if any, 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; and

(e) If the requested matter is not identifiable by reference to the partnership'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.

[Statutory Authority: Chapter 90.71 RCW. WSR 10-12-009, § 400-06-110, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-110, filed 2/3/86.]

WAC 400-06-120 Copying. No fee shall be charged for the inspection of public records. The partnership shall charge a reasonable fee in the amount necessary to reimburse the partnership for its actual costs incident to copying, including staff time directly related to copying and mailing.

[Statutory Authority: Chapter 90.71 RCW. WSR 10-12-009, § 400-06-120, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-120, filed 2/3/86.]

WAC 400-06-130 Exemptions. (1) The partnership reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 400-06-110 is exempt under any provision of chapter 42.56 RCW.

(2) 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 records withheld.

[Statutory Authority: Chapter 90.71 RCW. WSR 10-12-009, § 400-06-130, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-130, filed 2/3/86.]

WAC 400-06-140 Review of denials of public records request. (1) Any person who objects to the denial of a request for 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 who shall consider the matter and either affirm or reverse such denial. 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 partnership has returned the petition with a decision, or until the close of the second business day following denial of inspection, whichever occurs first.

[Statutory Authority: Chapter 90.71 RCW. WSR 10-12-009, § 400-06-140, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-140, filed 2/3/86.]

WAC 400-06-150 Protection of public records. (1) No person shall knowingly alter, deface, or destroy public records of the partnership.

(2) Original copies of public records of the partnership shall not be removed from the offices of the partnership.

(3) Care and safekeeping of public records of the partnership, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the partnership shall not be permitted.

[Statutory Authority: Chapter 90.71 RCW. WSR 10-12-009, § 400-06-150, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-150, filed 2/3/86.]

WAC 400-06-160 Records index. (1) A chronological index is maintained providing identifying information as to all governmental records issued, adopted, or promulgated on or after August 21, 1985, which are deemed by the partnership to fall within the purview of RCW 42.56.070 and which are not exempted under any provision of chapter 42.56 RCW.

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

[Statutory Authority: Chapter 90.71 RCW. WSR 10-12-009, § 400-06-160, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.70 RCW and RCW 43.21C.120. WSR 90-17-063, § 400-06-160, filed 8/15/90, effective 9/15/90. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-160, filed 2/3/86.]

WAC 400-06-170 Communications. All communications regarding the actions or decisions of the partnership, including activities pertaining to the administration or enforcement of chapter 42.56 RCW or these rules, shall be addressed to the Public Records Officer, Puget Sound Partnership, P.O. Box 40900, Olympia, Washington 98504-0900.

[Statutory Authority: Chapter 90.71 RCW. WSR 10-12-009, § 400-06-170, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.70 RCW. WSR 91-20-076, § 400-06-170, filed 9/27/91, effective 10/28/91. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-170, filed 2/3/86.]

WAC 400-06-180 Request for public record—Form.

STATE OF WASHINGTON
PUGET SOUND PARTNERSHIP
REQUEST FOR PUBLIC RECORD

Date of Request:

Requested By:

.....

.....

Public Records or Information Requested:

.....

.....

Requester Must Read and Sign:

I understand that I must abide by the rules and regulations published by the Puget Sound Partnership for the protection of public records, a copy of which I have read and understand.

I understand that I will be charged a reasonable fee to reimburse the partnership actual costs associated with fulfilling my request.

Requester's Signature

.....

Completed by Partnership Public Records Officer:

Date of Receipt:

Number of Copies:

Amount Received: \$

Reason if Partnership is Unable to Comply:

.....

.....

Public Records Officer Signature:

Public records of the agency are provided for inspection and copying subject to the following regulations:

- (1) No person shall knowingly alter, deface, or destroy public records of the partnership.
- (2) Original copies of public records of the agency shall not be removed from the offices of the partnership.
- (3) Care and safekeeping of public records of the partnership, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.
- (4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.
- (5) Boisterous or otherwise disruptive conduct by those requesting public records of the partnership shall not be permitted.

I have read, understand, and will comply with the above-stated regulations.

.....
(Signature and date)

[Statutory Authority: Chapter 90.71 RCW. WSR 10-12-009, § 400-06-180, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 42.17.250

through 42.17.320, 1985 c 451 and chapter 90.70 RCW. WSR 86-04-055
(Order 86-02, Resolution No. 5), § 400-06-180, filed 2/3/86.]