

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

Washington State Data Processing Authority

(name of governing body)

(agency name, if applicable)

Resolution No. _____

Administrative Order No. 004

(1) Be it resolved by the Washington State Data Processing Authority

acting at Educational Service District (ESD) 113 Building, McPhee Road, Olympia, WA
(place)

that it does promulgate and adopted the annexed rules relating to:

The Washington State Data Processing Authority's operations and methods and to ensure compliance with the provisions of Chapter 42.17 RCW (Initiative 276), and in particular with sections 25-32 of that act, dealing with public records.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 81-03-034 filed with the code reviser on January 14, 1981. Such rules shall take effect:

- ☒ pursuant to RCW 34.04.040(2).
☐ at a later date, such date being _____

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, _____, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.____ (1977 c 19 § 2)¹ that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

☒ (a) This rule is promulgated pursuant to RCW 43.105 and is intended to administratively implement that statute.

☐ (b) This rule is promulgated pursuant to RCW _____ which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

☐ (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW _____

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing with the Code Reviser pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED March 4, 1981

MAR 6 1981

By

Executive Director

Title

CODE REVISER'S OFFICE
WSR 81-07-004

[Form CR-8: Effective 12/1/77]

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-010 PURPOSE. The purpose of this chapter shall be ~~((by the Washington State Data Processing Authority))~~ to adopt rules descriptive of the Washington State Data Processing Authority's operations and methods and to ensure compliance with the provisions of chapter 42.17 RCW (Initiative 276), and in particular with sections 25-32 of that act, dealing with public records.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-020 DEFINITIONS. (1) 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 letters, words, pictures, sounds, symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) The Washington State Data Processing Authority is the agency appointed by the governor pursuant to chapter 219, Laws of 1973 ~~((7))~~ 1st ex. sess. The Washington State Data Processing Authority shall hereinafter be referred to as the authority. Where appropriate, the term authority also refers to the staff and employees of the Washington State Data Processing Authority.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION. (1) The Administrative Office of the authority and its staff is located ~~((at--2604---42th-Court-S-W--))~~ in the 9th and Columbia Building, Olympia, Wash., 98504.

(2) The authority is composed of eleven ~~((14))~~ persons appointed by the governor to carry out the duties and tasks contained in chapter 43.105 RCW as amended. The administrative head of the authority is its executive director. All communications, requests and business shall be forwarded to the executive director at the aforesigned Administrative Office of the authority.

(3) The authority is chartered by the legislature to provide for the efficient and coordinated utilization of data processing equipment, techniques and personnel to achieve optimum effectiveness and economy in collection, storage, interchange, retrieval, processing and transmission of information; to authorize development, implementation and maintenance of a coordinated state-wide plan for data processing and data communications systems; to achieve consolidation of automated data processing resources and centralization of control over automated data processing and to ensure that automated data processing systems shall serve the management and other needs of the legislative, executive and judicial branches of state and local government.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-040 OPERATIONS AND PROCEDURES. (1) The Washington State Data Processing Authority, hereinafter referred to as the authority, shall hold regular meetings the first Wednesday of each month at a time and place designated by the authority in a previous regular or special meeting, and special meetings at times and places designated by the ~~((Chairman))~~ chair or ~~((a-majority))~~ three of the

members. Members will receive written notification of a special meeting at least 24 hours in advance. All meetings of the authority shall be open to the public; except that the authority may meet in executive session when considering matters as defined in RCW 42.30.110 (Open Public Meetings Act).

Public notice shall be given of all authority meetings as provided in chapter 42.30 RCW (Open Public Meetings Act).

(2) All meetings of the authority, its executive committee, or any subcommittee, ad-hoc committee or task force created by the authority, shall be governed by Reed's Parliamentary Rules, except as specified by applicable law or these rules of procedure.

(3) ~~((A--majority--of--the))~~ A quorum must be present to conduct business. Six members shall constitute a quorum and a majority ~~((thereof))~~ (at least four) of those present shall have the authority to transact all business.

~~((4))~~ The regular order of business of the Authority shall be:

~~(a)~~ Call to order

~~(b)~~ Roll call and determination of quorum

~~(c)~~ Reading, correction, and approval of minutes

~~(d)~~ Reading and disposition of communications

~~(e)~~ Introduction and disposition of resolutions and proposals

~~(f)~~ Consideration of reports

~~(g)~~ Authority staff business

~~(h)~~ Other business

~~(i)~~ Announcements

~~(j)~~ Adjournment

The agenda for all regular meetings of the authority will be ~~((approved))~~ set by the ~~((Chairman--or,--in-his-absence,--the--Vice-Chairman))~~ executive director. Any member of the authority, an agency, a vendor or the public may request, in writing to the ~~((Chairman))~~ executive director, an item to be placed on the agenda. The agenda for special meetings will be set by the ~~((Chairman))~~ executive director or the members calling the special meeting. The agenda of meetings of ad-hoc committees, or task forces of the authority will be set by their respective ~~((chairmen))~~ chairs.

~~((5))~~ (4) Minutes, which shall be a summary of the proceedings, shall be kept at each regular or special meeting of the authority and, upon correction and approval, transmitted to each member of the authority and to such other persons as may be required by law.

~~((6))~~ (5) The officers of the authority shall be a ((Chairman)) chair and vice-((Chairman)) chair ~~((--The--Chairman--and--Vice--Chairman--shall--be))~~ elected by the authority ~~((not--less--than--annually))~~. The ~~((Chairman))~~ chair shall preside at all meetings of the authority except that the vice-((Chairman)) chair shall preside when the ~~((Chairman))~~ chair is not present.

In the event of any vacancy of the chair or vice-chair, the authority shall fill the vacancy by elections at its next regularly scheduled meeting. In such cases, members will be advised that an election will be held in accordance with normal meeting notice procedures.

~~((7))~~ Resolutions and Proposals for Authority consideration of action may be presented orally or in writing by any member of the Authority. Resolutions and proposals for consideration by the Authority, except those relating to the business of the day or for adjournment, may be submitted in writing to the Authority by any state agency or member of the legislature, on his own behalf or on behalf of another. Resolutions and proposals shall be presented to the Authority in regular order of business [Rule 4 (e)], and shall be numbered in the order of presentation. A resolution or proposal may be submitted to the Authority when it is not in session by filing it with the Executive Director by mail or otherwise, at the Authority's Administrative Office, who shall present it at the next regular meeting of the Authority.

~~((8))~~ (6) All news releases identified as coming from the authority as a whole will be promulgated from the authority's office and approved either by the ((Chairman)) chair or, ((in his absence)) if absent, the vice-((Chairman)) chair.

~~((9))~~ (7) An annual budget will be prepared by the executive director and approved by the authority. All expenditures consistent with the approved budget ((except out-of-state travel)) may be approved by the executive director or ((his)) designee. ((Out-of-state travel on behalf of the Authority by members or staff will be subject to prior approval of the Authority. Such approval may be

~~obtained--by-a-telephone-poll-of-the-membership.))~~ Emergency expenditures not to exceed \$~~((250.00))~~ 500.00 for items not included in the approved budget may be authorized by the executive director.

~~((40))~~ (8) The authority shall appoint by an absolute majority vote (six) an executive director who shall be chief executive officer for the authority, and shall perform such duties as the authority may require, such appointment to be confirmed by a majority vote of the Senate.

~~((44))~~ (9) Staff members may be employed by the executive director when consistent with an approved budget. Staff members shall report to and shall be subject to the direction of the executive director.

~~((42))~~ (10) The executive director shall present to the authority work plans for accomplishing the tasks delegated ~~((to-him))~~ by the authority. Such plans shall be subject to review and approval by the authority. Progress reports and proposed revisions to plans or priorities shall be submitted to the authority for review and approval.

~~((43))~~ (11) These rules of procedure may, by a vote of an absolute majority of the members of the authority, be amended or suspended in any manner not inconsistent with the laws of the state ~~((;))~~ PROVIDED, HOWEVER, That such amendment or suspension shall not be operative during the same meeting in which proposed, except by vote of two-thirds of those present or an absolute majority (six) of the members, whichever is greater.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-050 PUBLIC RECORDS AVAILABLE. All public records of the authority, as defined in WAC 143-06-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 42.17 RCW and WAC 143-06-100.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-060 PUBLIC RECORDS OFFICER. The authority's public records shall be in charge of the Public Records Officer designated by the executive director of the authority. The person so designated shall be located in the Administrative Office of the authority. The Public Records Officer shall be responsible for the following: The implementation of the authority's rules and regulations regarding release of public records, coordinating the staff of the authority in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the authority. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-080 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 42.17 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 upon a form prescribed by the authority (Appendix A: WAC 143-06-990) which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the authority's staff, if the public records officer is not available, at the administrative office of the authority during customary office hours. The request shall include the following information:

(a) The name 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

(e) (~~((If the requested matter is not identifiable by reference to the authority's current index))~~) An appropriate description of the record is 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.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-090 COPYING. No fee shall be charged for the inspection of public records. The authority shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the authority's copy equipment. This charge is the amount necessary to reimburse the authority for its actual costs incident to such copying.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-100 EXEMPTIONS. (1) The authority reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 143-06-080 is exempt under the provisions of section 31, chapter 42.17 RCW.

(2) In addition, pursuant to (~~((section 26,--chapter--42.16--RCW))~~) RCW 42.17.260, the authority reserves the right to delete identifying details when it makes available or publishes any public record, in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) 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.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUEST. (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 to the executive director 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-Executive-Director-of-the-Authority:))~~ The executive director shall ~~((immediately))~~ consider the matter and either affirm or reverse such denial or call a special meeting of the authority as soon as legally possible to review the denial. In any case, 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 authority has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-120 PROTECTION OF PUBLIC RECORDS. (1) No person shall knowingly alter, deface or destroy public records of the authority.

(2) Original copies of public records of the authority shall not be removed from the Administrative Offices of the authority.

(3) Care and safekeeping of public records of the authority, 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 authority shall not be permitted.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-130 RECORDS INDEX. (1) The authority has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

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

(b) those statements of policy and interpretations of policy, 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; and

(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.

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

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-140 COMMUNICATIONS WITH THE AUTHORITY. All communications with the authority including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter ((42.46)) 42.17 RCW and these rules; requests for copies of the authority's decisions and other matters, shall be addressed as follows: Washington State Data Processing Authority, c/o Public Records Officer, ((2604---42th-Court-S.W.)) 9th and Columbia Building, Olympia, Wash. 98504.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-150 ADOPTION OF FORM. The authority hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for Public Records".

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-990 APPENDIX A--FORM--REQUEST FOR PUBLIC RECORDS.

REQUEST FOR PUBLIC RECORDS

TO: WASHINGTON STATE DATA PROCESSING AUTHORITY

1. Requestor's Requestor's
Name - Print) Signature)

2.
(Requestor's Organization -
if applicable)

3. -----
(Requestor's Mailing Address)

4.
(Date of (Phone No.) (Time
Request) of Day)

5. NATURE OF REQUEST -----

6. Document(s) Reference Identification from Public Records Index____

7. Description of Document(s) Requested ((if--Not--Identifiable--by
Reference--to--Washington--State-Data-Processing-Authority-Public
Records-Index))

8. If the Requested documents are or include a list of individuals
or companies state the purpose for which list is intended and

sign the following acknowledgement: I promise that the list of individuals or firms furnished hereunder will not be used for commercial purposes.

Purpose: _____

.....
(Signature)

(Signature required on reverse side prior to release of requested information.)

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

- (1) No person shall knowingly alter, deface or destroy public records of the authority.
- (2) Original copies of public records of the authority shall not be removed from the Administrative Offices of the authority.
- (3) Care and safekeeping of public records of the authority, 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 authority shall not be permitted.
- (6) The charge for providing electrostatic copies of public records is ten cents (10¢) per 8 1/2 x 11 inch page.

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

.....
(Signature and date)