

**Chapter 132F-168 WAC
ACCESS TO PUBLIC RECORDS**

Last Update: 12/20/17

WAC

132F-168-010 Access to public records.
132F-168-020 Purpose.
132F-168-030 Request for document inspection.
132F-168-040 Review of denials of public records.
132F-168-050 Exemptions.
132F-168-060 Copying.
132F-168-070 Protection of privacy.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132F-168-075 Judicial review of agency action. [Order 36, § 132F-168-075, filed 11/21/77.] Repealed by WSR 14-07-091, filed 3/18/14, effective 4/18/14. Statutory Authority: RCW 28B.50.140(13) and 42.56.040.

132F-168-080 Office hours. [Order 16, § 132F-168-080, filed 10/4/73.] Repealed by WSR 14-07-091, filed 3/18/14, effective 4/18/14. Statutory Authority: RCW 28B.50.140(13) and 42.56.040.

132F-168-090 Sanctions. [Order 36, § 132F-168-090, filed 11/21/77; Order 16, § 132F-168-090, filed 10/4/73.] Repealed by WSR 14-07-091, filed 3/18/14, effective 4/18/14. Statutory Authority: RCW 28B.50.140(13) and 42.56.040.

132F-168-100 Request for inspection of public records—Form 1. [Order 36, § 132F-168-100, filed 11/21/77.] Repealed by WSR 14-07-091, filed 3/18/14, effective 4/18/14. Statutory Authority: RCW 28B.50.140(13) and 42.56.040.

132F-168-110 Request for inspection of public records—Form 2. [Order 36, § 132F-168-110, filed 11/21/77.] Repealed by WSR 14-07-091, filed 3/18/14, effective 4/18/14. Statutory Authority: RCW 28B.50.140(13) and 42.56.040.

WAC 132F-168-010 Access to public records. (1) The Seattle College District VI is a community college district organized under RCW 28B.50.040. The Seattle College District VI's central office is located at 1500 Harvard Ave., Seattle, WA 98122. The Seattle College District VI has field offices at:

- 9600 College Way North, Seattle, WA 98103
- 6000 16th Ave. S.W., Seattle, WA 98103
- 1701 Broadway, Seattle, WA 98122
- 2120 South Jackson St., Seattle, WA 98144

(2) Any person wishing to request access to public records of Seattle College District VI, or seeking assistance in making such a request should contact the public records officer of the Seattle College District VI at:

Public Records Officer
Seattle College District VI
1500 Harvard Ave.
Seattle, WA 98122
206-934-3873
SCCDPublicRecordsRequest@seattlecolleges.edu

(3) The public records officer will oversee compliance with the act but another Seattle College District VI staff member may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and the Seattle College District VI will provide the "fullest assistance" to requestors; create and maintain for use by the public and Seattle College District VI officials an index to public records of the Seattle College District VI; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the Seattle College District VI.

[Statutory Authority: RCW 28B.50.140(13) and 42.56.040. WSR 15-02-072, § 132F-168-010, filed 1/6/15, effective 2/6/15; WSR 14-07-091, § 132F-168-010, filed 3/18/14, effective 4/18/14; Order 16, § 132F-168-010, filed 10/4/73.]

WAC 132F-168-020 Purpose. (1) RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.

(2) The purpose of these rules is to establish the procedures Seattle College District VI will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the Seattle College District VI and establish processes for both requestors and Seattle College District VI staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the Seattle College District VI will be guided by the provisions of the act describing its purposes and interpretation.

[Statutory Authority: RCW 28B.50.140(13) and 42.56.040. WSR 15-02-072, § 132F-168-020, filed 1/6/15, effective 2/6/15; WSR 14-07-091, § 132F-168-020, filed 3/18/14, effective 4/18/14; Order 36, § 132F-168-020, filed 11/21/77; Order 16, § 132F-168-020, filed 10/4/73.]

WAC 132F-168-030 Request for document inspection. (1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the Seattle Colleges, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at either the district office or at a field office when those records are stored or maintained at that location. To make arrangements to inspect records at a Seattle College District field office, contact the public records officer to schedule the inspection.

(2) **Records index.** An index of public records is available for use by members of the public, including nonexempt final orders, declaratory orders, interpretive statements, and policy statements, as defined by RCW 42.56.070(5), issued after June 30, 1990, by the board of trustees of the district, the presidents of the colleges, or their designees.

Form. The index shall reference final orders, declaratory orders, interpretive statements, or policy statements by one or more of the

following classifications: Date of implementation, organizational unit, or subject matter.

Requests for access to indexes. Information regarding public inspection of indexes, their location, and a schedule for revising and updating these indexes can be obtained by contacting the public records officer.

(3) **Organization of records.** The Seattle College District VI will maintain its records in a reasonably organized manner. Seattle College District VI will take reasonable actions to protect records from damage and disorganization. A requestor shall not take Seattle College District VI records from Seattle College District VI offices without the permission of the public records officer or designee. A variety of records are available on the Seattle College District VI website at www.seattlecolleges.edu. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

(4) **Making a request for public records.**

(a) Any person wishing to inspect or copy public records of the Seattle College District VI should make the request in writing on the Seattle College District VI request form, or by letter, fax, or email addressed to the public records officer (SCCDPublicRecordsRequest@seattlecolleges.edu) and including 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 officer or designee to locate the records; and
- The date and time of day of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to WAC 132F-168-060, standard photocopies will be provided at fifteen cents per page.

(c) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

[Statutory Authority: RCW 28B.50.140(13) and 42.56.040. WSR 15-02-072, § 132F-168-030, filed 1/6/15, effective 2/6/15; WSR 14-07-091, § 132F-168-030, filed 3/18/14, effective 4/18/14; Order 36, § 132F-168-030, filed 11/21/77; Order 16, § 132F-168-030, filed 10/4/73.]

WAC 132F-168-040 Review of denials of public records. (1) Petition for internal administrative review of denial of access. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the appropriate vice chancellor. That person will immedi-

ately consider the petition and either affirm or reverse the denial within two business days following the Seattle College District VI's receipt of the petition, or within such other time as mutually agreed upon by the Seattle College District VI and the requestor.

(3) **Review by the attorney general's office.** Pursuant to RCW 42.56.530, if the Seattle College District VI denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

[Statutory Authority: RCW 28B.50.140(13) and 42.56.040. WSR 15-02-072, § 132F-168-040, filed 1/6/15, effective 2/6/15; WSR 14-07-091, § 132F-168-040, filed 3/18/14, effective 4/18/14; Order 36, § 132F-168-040, filed 11/21/77; Order 16, § 132F-168-040, filed 10/4/73.]

WAC 132F-168-050 Exemptions. The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by Seattle College District VI for inspection and copying:

(1) The Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; the Uniform Trade Secrets Act, chapter 19.108 RCW; attorney-client privileged communications, RCW 5.60.060(2).

(2) Examination of individual files of Seattle College District students shall be in accordance with the provisions of district policy and procedure 380, student records.

(3) The Seattle College District VI is prohibited by statute from disclosing lists of individuals for commercial purposes.

(4) Pursuant to RCW 42.56.540, the Seattle College District VI reserves the right to seek to enjoin the examination of any specific record, the examination of which the district determines would clearly not be in the public interest and would substantially and irreparably damage any person or would substantially and irreparably damage vital governmental functions.

[Statutory Authority: RCW 28B.50.140(13) and 42.56.040. WSR 15-02-072, § 132F-168-050, filed 1/6/15, effective 2/6/15; WSR 14-07-091, § 132F-168-050, filed 3/18/14, effective 4/18/14; Order 36, § 132F-168-050, filed 11/21/77; Order 16, § 132F-168-050, filed 10/4/73.]

WAC 132F-168-060 Copying. (1) **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain black and white photocopies for eleven cents per page or colored photocopies for thirteen cents per page. The district reserves the right to use outside vendors for large projects when an outside vendor can provide

copies quicker or for less cost. The requestor will be required to pay the cost charged by the vendor.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The Seattle College District VI will not charge sales tax when it makes copies of public records.

(2) **Costs for electronic records.** The cost of scanning existing Seattle College District VI paper or other nonelectronic records is six cents per page. There will be no charge for emailing electronic records to a requestor, unless another cost applies such as a scanning fee. A statement of the factors and the manner used to determine this charge is available from the public records officer.

Calculating the actual costs of charges for uploading electronic files or attachments is unduly burdensome, because it is difficult to accurately calculate all costs directly incident to uploading those records. Instead of calculating the actual costs for uploading electronic files or attachments, the district charges five cents per each four electronic files or attachments uploaded to email, cloud-based data storage service, or other means of electronic delivery as set forth in RCW 42.56.120 (2) (b).

If the requestor asks that the electronic records be provided on CD or DVD, the requestor will be charged the cost of the CD or DVD. If the electronic records are too large to be emailed through the Seattle College District email system, they will be provided on CD or DVD, and the requestor will be charged accordingly.

(3) **Costs of mailing.** The Seattle College District VI may also charge actual costs of mailing, including the cost of the shipping container.

(4) **Payment.** Payment may be made by cash, check, or money order to the Seattle College District VI.

[Statutory Authority: RCW 28B.50.140(13). WSR 18-02-001, § 132F-168-060, filed 12/20/17, effective 1/20/18. Statutory Authority: RCW 28B.50.140(13) and 42.56.040. WSR 15-02-072, § 132F-168-060, filed 1/6/15, effective 2/6/15; WSR 14-07-091, § 132F-168-060, filed 3/18/14, effective 4/18/14; Order 36, § 132F-168-060, filed 11/21/77; Order 16, § 132F-168-060, filed 10/4/73.]

WAC 132F-168-070 Protection of privacy. Any student, employee or applicant who believes a document has been or is about to be released, and who believes his or her right to privacy will be infringed by public inspection of the document, may file a protest with the appropriate campus president or the district president. If, after consideration of the request for inspection and the protest, the campus president or the district president believes inspection should be denied, he should take appropriate action as listed in RCW 42.17.330, "court protection of public records."

[Order 36, § 132F-168-070, filed 11/21/77; Order 16, § 132F-168-070, filed 10/4/73.]