WAC 162-04-030 Public access to records. (1) Records available. 
(a) General rule and exceptions. All public records as defined by
chapter 42.17 RCW (this includes photographs, tapes, and other materi-
als as well as written documents) prepared, owned, used or retained by
the Washington state human rights commission shall be available for
public inspection and copying during normal office hours in the office
where they are located, except for the following:
   (i) Personal information in files maintained for the commission's
       employees or members to the extent that disclosure would violate their
       right to privacy.
   (ii) The file, except for the complaint, compiled in investigat-
       ing a complaint filed under RCW 49.60.230, during the time until a
       finding as provided by RCW 49.60.240 or settlement is adopted by the
       commission or the case is referred to the attorney general for prepa-
       ration for public hearing. Specific records in the file may be kept
       sealed and not made available after this time if the executive direc-
       tor has issued a protective order which states the general nature of
       the records and the reason why they are not open to inspection, and
       the records are exempt from public inspection under RCW 42.17.310.
   (iii) Preliminary drafts, notes, recommendations, and intra-agency
       memorandums in which opinions are expressed or policies formulated
       or recommended, except that a specific record shall not be exempt when
       publicly cited by the commission or another agency in connection with
       any agency action.
   (iv) Records which are relevant to a controversy to which the
       commission is a party but which records would not be available to an-
       other party under the rules of pretrial discovery for causes pending
       in the superior courts.
   (v) Any other information which is exempt from public inspection
       under RCW 42.17.310 and where disclosure would violate personal priva-
       cy or vital government interest.
   (b) Conditions which override the exceptions. Even where it comes
       within one of the above exceptions to public access, a particular re-
       cord shall nevertheless be available for inspection and copying if:
       (i) Its disclosure would not violate personal privacy or impair a
           vital governmental interest;
       (ii) The information which would violate personal privacy or im-
           pair a vital governmental interest can be deleted from the record; or
       (iii) The record contains statistical information not descriptive
           of any readily identifiable person or persons.
(2) Copying. Persons may copy any record which may be inspected.
In offices where a copying machine is kept by the commission, machine
copies shall be made available to a person on request. No charge shall
be made for up to ten sheets in connection with a single request, but
ten cents a sheet shall be charged for each sheet beyond ten. Copying
facilities may be denied when making them available would unreasonably
disrupt the operation of the office, because of the volume of copying
or other valid reasons. The absence or unavailability of agency copy-
ing facilities shall be given weight in determining whether there are
special circumstances justifying removal of a record from the office
as provided in subsection (3) of this section.
(3) Protection of records. No record shall be allowed to be re-
moved from a commission office by anyone other than a staff member or
other officially authorized person unless special circumstances make
the removal necessary or desirable, and protection of the record is
reasonably assured. Before such removal is allowed a receipt itemizing
the contents of the record and giving the address and telephone number
of the place where it will be kept shall be signed by the person taking the record and approved in writing by the person in charge of the office or division responsible for the record.

(4) **Personnel records.** Requests for inspection of materials in the personnel files of commission employees or members shall be referred to the executive director, or in his or her absence, the deputy director, and promptly acted upon by him or her. When inspection is denied, it shall be the responsibility of the person making that decision to issue within twenty-four hours the written statement required by RCW 42.17.310(4) and 42.17.320 identifying RCW 42.17.310 (1)(b) as the exemption authorizing withholding of the record, and explaining how inspection of the record would violate the employee's or commissioner's right of privacy. The decision of the executive director or deputy director shall be final agency action for purposes of judicial review.

(5) **Other records; review of denial.** Requests for inspection of records not in the personnel files of commission employees or members (that is, not covered by subsection (4) of this section) shall be acted upon immediately by the staff person who has charge of the record at the time the request is made. When that person believes that a request to inspect a record must be denied, he or she shall immediately contact his or her supervisor by telephone and obtain concurrence from the supervisor before denying inspection. The supervisor shall then issue, or cause to be issued, the written statement required by RCW 42.17.310(4) and chapter 42.17 RCW identifying the specific exemption authorizing the withholding of the record (or part) and briefly explaining how the exemption applies to the record withheld. A copy of the statement shall be immediately delivered or mailed to the deputy director.

(6) **Interpretation.** It is the policy of the Washington state human rights commission to carry out the spirit as well as the letter of chapter 42.17 RCW, and thus to afford the public maximum access to its records, subject to necessary respect for the right of individuals to privacy and the need for efficient administration of government. This regulation shall be interpreted in light of that spirit and this policy.

[Statutory Authority: RCW 49.60.120(3). WSR 89-23-019, §162-04-030, filed 11/7/89, effective 12/8/89; Order 13, §162-04-030, filed 2/16/73.]