

Chapter 132R-175 WAC **PUBLIC RECORDS**

Last Update: 8/6/18

WAC

132R-175-010	Authority and purpose.
132R-175-030	Public records officer.
132R-175-070	Availability of public records.
132R-175-080	Requests for public records.
132R-175-085	Processing of public records requests.
132R-175-090	Costs of providing copies of public records.
132R-175-100	Exemptions.
132R-175-110	Review of denials of public records requests.
132R-175-130	Records index.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132R-175-020	Definitions. [Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-175-020, filed 7/14/03, effective 8/14/03; Order 73-8, § 132R-175-020, filed 5/4/73.] Repealed by WSR 18-17-027, filed 8/6/18, effective 9/6/18. Statutory Authority: RCW 28B.50.140.
132R-175-040	Operations and procedures. [Order 73-8, § 132R-175-040, filed 5/4/73.] Repealed by WSR 18-17-027, filed 8/6/18, effective 9/6/18. Statutory Authority: RCW 28B.50.140.
132R-175-050	Public records available. [Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-175-050, filed 7/14/03, effective 8/14/03; Order 73-8, § 132R-175-050, filed 5/4/73.] Repealed by WSR 18-17-027, filed 8/6/18, effective 9/6/18. Statutory Authority: RCW 28B.50.140.
132R-175-060	Public records officer. [Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-175-060, filed 7/14/03, effective 8/14/03; Order 73-8, § 132R-175-060, filed 5/4/73.] Repealed by WSR 18-17-027, filed 8/6/18, effective 9/6/18. Statutory Authority: RCW 28B.50.140.
132R-175-120	Protection of public records. [Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-175-120, filed 7/14/03, effective 8/14/03; Order 73-8, § 132R-175-120, filed 5/4/73.] Repealed by WSR 18-17-027, filed 8/6/18, effective 9/6/18. Statutory Authority: RCW 28B.50.140.
132R-175-140	District's address. [Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-175-140, filed 7/14/03, effective 8/14/03; Order 73-8, § 132R-175-140, filed 5/4/73.] Repealed by WSR 18-17-027, filed 8/6/18, effective 9/6/18. Statutory Authority: RCW 28B.50.140.
132R-175-150	Adoption of form. [Statutory Authority: RCW 28B.50.140. WSR 78-02-017 (Order 3), § 132R-175-150, filed 1/11/78; Order 73-8, § 132R-175-150, filed 5/4/73.] Repealed by WSR 18-17-027, filed 8/6/18, effective 9/6/18. Statutory Authority: RCW 28B.50.140.
132R-175-160	Request for public record. [Statutory Authority: RCW 28B.50.140. WSR 78-02-017 (Order 3), § 132R-175-160, filed 1/11/78. Formerly Appendix A (codified as WAC 132R-175-990), filed 5/4/73.] Repealed by WSR 18-17-027, filed 8/6/18, effective 9/6/18. Statutory Authority: RCW 28B.50.140.
132R-175-990	Appendix A—Request for public record. [Order 73-8, Appendix A (codified as WAC 132R-175-990), filed 5/4/73.] Repealed by WSR 78-02-017 (Order 3), filed 1/11/78. Statutory Authority: RCW 28B.50.140. Later promulgation, see WAC 132R-175-160.

WAC 132R-175-010 Authority and purpose. (1) The purpose of this chapter is to establish procedures the Community College District No. 18 (also referred to herein as "the district") will follow to ensure compliance with the provisions of chapter 42.56 RCW, Public Records Act.

(2) Per RCW 42.56.070(1), the Community College District No. 18 makes available for inspection and copying nonexempt "public records" as described in these rules. A public record includes 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 Community College District No. 18, regardless of physical form or characteristics.

[Statutory Authority: RCW 28B.50.140. WSR 18-17-027, § 132R-175-010, filed 8/6/18, effective 9/6/18. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-175-010, filed 7/14/03, effective 8/14/03; Order 73-8, § 132R-175-010, filed 5/4/73.]

WAC 132R-175-030 Public records officer. (1) Any person wishing to request access to public records of the district, or seeking assistance in making such a request should contact the district's public records officer, who shall manage all of the district's public records. Throughout this chapter, references to the public records officer shall mean the public records officer or his/her designee.

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

Public Records Officer
Big Bend Community College
7662 Chanute Street N.E.
Moses Lake, WA 98837
Phone: 509-793-2010
Fax: 509-762-6355
Email: publicrecords@bigbend.edu

(3) Information is also available at the Big Bend Community College website at <http://www.bigbend.edu/information-center/public-information-request/>.

(4) The public records officer and the district shall assist requestors, comply with the Public Records Act, and provide public records training and assistance to college employees.

[Statutory Authority: RCW 28B.50.140. WSR 18-17-027, § 132R-175-030, filed 8/6/18, effective 9/6/18. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-175-030, filed 7/14/03, effective 8/14/03; Order 73-8, § 132R-175-030, filed 5/4/73.]

WAC 132R-175-070 Availability of public records. (1) Public records shall be available for inspection and copying during the customary office hours of the district. For the purposes of this chapter, the customary office hours shall be from 7:30 a.m. to 5:00 p.m., Monday through Thursday and from 7:30 a.m. to 2:30 p.m. on Friday, excluding legal holidays.

(2) The district will maintain its records in a reasonably organized manner. The district will take reasonable actions to protect records from damage and disorganization. A requestor shall not take the district's records from the district's offices without the permission of the public records officer. If, in the judgment of the public records officer, there is a possibility of the destruction of the public record, the public records officer shall make a copy of the record available to the requestor.

(3) A variety of records are available on the Big Bend Community College website at www.bigbend.edu. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

[Statutory Authority: RCW 28B.50.140. WSR 18-17-027, § 132R-175-070, filed 8/6/18, effective 9/6/18; Order 73-8, § 132R-175-070, filed 5/4/73.]

WAC 132R-175-080 Requests for public records. In accordance with requirements of chapter 42.56 RCW 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 to inspect or copy public records of the district should be made in writing upon a form prescribed by the district, or by letter, fax, or email addressed to the public records officer. The request form prescribed by the district is available at its administrative office and on Big Bend Community College's web page at <http://www.bigbend.edu/information-center/public-information-request/>. The request should be presented to the public records officer at the administrative office of the district during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The address of the person requesting the record;
- (c) Other contact information, including telephone number and any email address;
- (d) The date and time of day when the request was made;
- (e) Adequate identification of the public records for the public records officer to locate the records;
- (f) A verification that the records requested shall not be used to compile a commercial sales list;
- (g) The format the requestor wants to receive the documents in, which should include whether the request is to inspect documents or purchase copies.

(2) The public records officer or designee may accept requests for public records that contain the information in this section 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. WSR 18-17-027, § 132R-175-080, filed 8/6/18, effective 9/6/18. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-175-080, filed 7/14/03, effective 8/14/03; Order 73-8, § 132R-175-080, filed 5/4/73.]

WAC 132R-175-085 Processing of public records requests. (1) The public records officer will process requests in the order that allows the most requests to be processed in the most efficient manner. District employees who receive a request for public records shall immediately forward the request to the public records officer.

(2) Within five business days of receipt of the request, the public records officer will do one or more of the following:

- (a) Make the records available for inspection and copying;
- (b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- (c) Provide a reasonable estimate of when records will be available; or
- (d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer may revise the estimate of when records will be available; or
- (e) Deny the request.

(3) If the district does not respond in writing within five business days of receipt of the request for disclosure, the requestor

should consider contacting the public records officer to determine the reason for the failure to respond.

(4) When a request for records in an electronic format is received, the public records officer will provide the nonexempt records or portion of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available or in a format that is reasonably translatable from the format in which the agency keeps the record.

(5) In the event that the requested records contain information that may affect the rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(6) Some records are exempt from disclosure, in whole or in part. If the district believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt, the public records officers will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(7) Inspection of records.

(a) Consistent with other demands, the district shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document.

(b) The requestor must claim or review the assembled records within thirty days of the district's notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements or the district may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(8) When the request is for a large number of records the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If within thirty days the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(9) When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the district has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(10) When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the district has closed the request.

(11) If, after the district has informed the requestor that it has provided all available records, the district becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

[Statutory Authority: RCW 28B.50.140. WSR 18-17-027, § 132R-175-085, filed 8/6/18, effective 9/6/18.]

WAC 132R-175-090 Costs of providing copies of public records.

The college may charge a reasonable fee for providing public records in response to requests under chapter 42.56 RCW received on or after July 23, 2017.

(1) Pursuant to RCW 42.56.120 (2)(b), Big Bend Community College finds that it is unduly burdensome for the college to calculate the actual costs to provide records due to insufficient resources to conduct a comprehensive study to determine actual costs and the interruption of essential college business that would result from conducting such a comprehensive study.

(2) The college reserves the right to charge fees to the requestor in accordance with the amounts provided in RCW 42.56.120. The college may also use any other method authorized by the Public Records Act for imposing charges for public records including, but not limited to, charging a flat fee, charging a customized service charge, or charging based on a contract, memorandum of understanding, or other agreement with a requestor.

(3) No fee shall be charged for the inspection of public records or locating public documents and making them available for copying, with the exception of the customized service charge allowed in RCW 42.56.120.

(4) The college may waive charges assessed for records when the public records officer determines collecting a fee is not cost effective.

(5) The public records officer may require an advance deposit of ten percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

(6) All required fees must be paid in advance of release of the copies or an installment of copies, or in advance of when a deposit is required. The district will notify the requestor when payment is due.

(7) Payment should be made by check or money order to Big Bend Community College. The district prefers not to receive cash. For cash payments, it is within the public records officer's discretion to determine the denomination of bills and coins that will be accepted.

(8) The district will close a request when a requestor fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

[Statutory Authority: RCW 28B.50.140. WSR 18-17-027, § 132R-175-090, filed 8/6/18, effective 9/6/18. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-175-090, filed 7/14/03, effective 8/14/03. Statutory Authority: RCW 28B.50.140. WSR 78-02-017 (Order 3), § 132R-175-090, filed 1/11/78; Order 74-22, § 132R-175-090, filed 12/23/74; Order 73-8, § 132R-175-090, filed 5/4/73.]

WAC 132R-175-100 Exemptions. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132R-175-080 is exempt under the provisions of chapter 42.56 RCW or any other law that exempts or prohibits disclosure. 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 record withheld.

(2) In addition, pursuant to chapter 42.56 RCW, the district reserves the right to delete/redact portions of documents. If deletions/redactions are made they will be accompanied by a written statement specifying the reason for the deletion/redaction, including a statement of the specific exemption authorizing the deletion/redaction and a brief explanation of how the exemption applies to the information which is deleted/redacted.

(3) The district maintains a nonexclusive list of records that it considers exempt from disclosure on its public records website at <http://www.bigbend.edu/information-center/public-information-request/>.

[Statutory Authority: RCW 28B.50.140. WSR 18-17-027, § 132R-175-100, filed 8/6/18, effective 9/6/18. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-175-100, filed 7/14/03, effective 8/14/03; Order 73-8, § 132R-175-100, filed 5/4/73.]

WAC 132R-175-110 Review of denials of public records requests.

(1) Any person who objects to the initial denial or partial denial of a request for a public record may petition in writing (including email) for prompt review of such decision by tendering the request for review. The written request shall specifically refer to the written statement by the public records officer 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 president of the college. The president shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the board of trustees 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 receipt of the petition, or within such other time as the district and the requestor mutually agree upon.

(3) Administrative remedies shall not be considered exhausted until the district has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

(4) Pursuant to RCW 42.56.530, if the district 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.

(5) 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. WSR 18-17-027, § 132R-175-110, filed 8/6/18, effective 9/6/18. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-175-110, filed 7/14/03, effective 8/14/03; Order 73-8, § 132R-175-110, filed 5/4/73.]

WAC 132R-175-130 Records index. (1) The public records officer shall establish a central district index which shall be the district's master index to be coordinated with subsidiary indexes established in each major administrative area of the college, specifically:

(a) The office of the secretary to the board of trustees of the district (which is the office of the president of Big Bend Community College);

(b) The office of the president of Big Bend Community College;

(c) The office of the vice president of learning and student success; and

(d) The office of the vice president for finance and administration.

(2) The district shall make 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.

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

[Statutory Authority: RCW 28B.50.140. WSR 18-17-027, § 132R-175-130, filed 8/6/18, effective 9/6/18. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-175-130, filed 7/14/03, effective 8/14/03; Order 73-8, § 132R-175-130, filed 5/4/73.]