

Chapter 478-276 WAC
GOVERNING ACCESS TO PUBLIC RECORDS

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

478-276-030 Description of central and field organization of the University of Washington. [Order 73-5, § 478-276-030, filed 5/29/73.] Repealed by WSR 97-14-004, filed 6/19/97, effective 7/20/97. Statutory Authority: RCW 28B.20.130, 42.17.260, 42.17.290, 42.17.300 and chapter 34.05 RCW.

478-276-040 General course and method of government. [Statutory Authority: RCW 28B.20.130. WSR 91-10-031, § 478-276-040, filed 4/24/91, effective 5/25/91. Statutory Authority: RCW 28B.20.130(1). WSR 81-20-049 (Order 81-2), § 478-276-040, filed 10/2/81; Order 73-5, § 478-276-040, filed 5/29/73.] Repealed by WSR 97-14-004, filed 6/19/97, effective 7/20/97. Statutory Authority: RCW 28B.20.130, 42.17.260, 42.17.290, 42.17.300 and chapter 34.05 RCW.

478-276-070 Times for inspection and copying. [Statutory Authority: RCW 28B.20.130, 42.17.260, 42.17.290, 42.17.300 and chapter 34.05 RCW. WSR 01-11-136, § 478-276-070, filed 5/23/01, effective 6/23/01; WSR 97-14-004, § 478-276-070, filed 6/19/97, effective 7/20/97; Order 73-5, § 478-276-070, filed 5/29/73.] Repealed by WSR 13-05-073, filed 2/19/13, effective 3/22/13. Statutory Authority: RCW 28B.20.130 and chapter 42.56 RCW.

478-276-130 University records. [Statutory Authority: RCW 28B.20.130(1). WSR 81-20-049 (Order 81-2), § 478-276-130, filed 10/2/81; Order 73-5, § 478-276-130, filed 5/29/73.] Repealed by WSR 91-10-031, filed 4/24/91, effective 5/25/91. Statutory Authority: RCW 28B.20.130.

WAC 478-276-010 Purpose. This chapter is enacted by the board of regents of the University of Washington in compliance with the Public Records Act. The university adopts these rules and regulations so as to provide fullest assistance to inquirers and full public access to the university's public records while protecting those records from damage or disorganization; preventing excessive interference with other essential university functions, including the university's core education and research missions; and not unreasonably disrupting university operations.

[Statutory Authority: RCW 28B.20.130 and chapter 42.56 RCW. WSR 13-05-073, § 478-276-010, filed 2/19/13, effective 3/22/13. Statutory Authority: RCW 28B.20.130, 2005 c 274, and Executive Order 97-02. WSR 06-17-131, § 478-276-010, filed 8/22/06, effective 9/22/06. Statutory Authority: RCW 28B.20.130. WSR 91-10-031, § 478-276-010, filed 4/24/91, effective 5/25/91. Statutory Authority: RCW 28B.20.130(1). WSR 81-20-049 (Order 81-2), § 478-276-010, filed 10/2/81; Order 73-5, § 478-276-010, filed 5/29/73.]

WAC 478-276-020 Definitions. (1) "Business days" are weekdays, Monday through Friday, excluding official Washington state holidays and university closures.

(2) "Public Records Act" means chapter 42.56 RCW.

(3) "Public records office" means the university's office of public records and open public meetings.

(4) "University" means the state university established under chapter 28B.20 RCW and designated the University of Washington.

[Statutory Authority: RCW 28B.20.130 and chapter 42.56 RCW. WSR 13-05-073, § 478-276-020, filed 2/19/13, effective 3/22/13. Statutory Authority: RCW 28B.20.130, 42.17.260, 42.17.290, 42.17.300 and chapter 34.05 RCW. WSR 01-11-136, § 478-276-020, filed 5/23/01, effective 6/23/01; Order 73-5, § 478-276-020, filed 5/29/73.]

WAC 478-276-050 Public records available. The university's public records are available for public inspection and copying pursuant to these rules, except as otherwise provided by law.

[Statutory Authority: RCW 28B.20.130 and chapter 42.56 RCW. WSR 13-05-073, § 478-276-050, filed 2/19/13, effective 3/22/13; Order 73-5, § 478-276-050, filed 5/29/73.]

WAC 478-276-060 Public records officer. The university's public records officer is the director of the public records office. The contact information for the public records officer is set forth under WAC 478-276-140.

[Statutory Authority: RCW 28B.20.130 and chapter 42.56 RCW. WSR 13-05-073, § 478-276-060, filed 2/19/13, effective 3/22/13. Statutory Authority: RCW 28B.20.130. WSR 07-03-069, § 478-276-060, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 28B.20.130, 2005 c 274, and Executive Order 97-02. WSR 06-17-131, § 478-276-060, filed 8/22/06, effective 9/22/06. Statutory Authority: RCW 28B.20.130 and Executive Order 97-02. WSR 06-13-021, § 478-276-060, filed 6/13/06, effective 7/14/06. Statutory Authority: RCW 28B.20.130, 42.17.260, 42.17.290, 42.17.300 and chapter 34.05 RCW. WSR 01-11-136, § 478-276-060, filed 5/23/01, effective 6/23/01; WSR 97-14-004, § 478-276-060, filed 6/19/97, effective 7/20/97. Statutory Authority: RCW 28B.20.130. WSR 91-10-031, § 478-276-060, filed 4/24/91, effective 5/25/91. Statutory Authority: RCW 28B.20.130(1). WSR 81-20-049 (Order 81-2), § 478-276-060, filed 10/2/81; Order 73-5, § 478-276-060, filed 5/29/73.]

WAC 478-276-080 Requests for public records. All requests under the Public Records Act to inspect or copy public records shall be in writing and shall be directed to the university's public records officer at the email address, street address, or facsimile number set forth in WAC 478-276-140. The request shall include the following information:

(1) The requestor's name, email address or street address, and telephone number; and

(2) A request for identifiable public records.

An identifiable public record is one for which the requestor has given a reasonable description enabling the university to locate the requested record.

[Statutory Authority: RCW 28B.20.130 and chapter 42.56 RCW. WSR 13-05-073, § 478-276-080, filed 2/19/13, effective 3/22/13. Statutory Authority: RCW 28B.20.130, 2005 c 274, and Executive Order 97-02. WSR

06-17-131, § 478-276-080, filed 8/22/06, effective 9/22/06. Statutory Authority: RCW 28B.20.130, 42.17.260, 42.17.290, 42.17.300 and chapter 34.05 RCW. WSR 01-11-136, § 478-276-080, filed 5/23/01, effective 6/23/01; WSR 97-14-004, § 478-276-080, filed 6/19/97, effective 7/20/97. Statutory Authority: RCW 28B.20.130. WSR 91-10-031, § 478-276-080, filed 4/24/91, effective 5/25/91. Statutory Authority: RCW 28B.20.130(1). WSR 81-20-049 (Order 81-2), § 478-276-080, filed 10/2/81; Order 73-5, § 478-276-080, filed 5/29/73.]

WAC 478-276-085 Responses to public records requests. (1) Responses generally. The public records office shall respond within five business days of receiving a public records request by:

(a) Providing the records;

(b) Providing an internet address and link to the records on a university web site;

(c) Acknowledging that the request has been received and providing a reasonable estimate of the time required to respond to the request; or

(d) Denying the request.

(2) **Additional time.** Additional time for the office to respond to a request may be based upon the need to:

(a) Clarify the request;

(b) Locate, assemble, and review the records requested;

(c) Notify third persons or agencies affected by the request; or

(d) Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(3) **Request for clarification.** If a public records request is unclear, the public records office may ask the requestor to clarify the request. If the requestor does not respond to a request for clarification or otherwise fails to clarify the records request within ten business days, the university need not respond to it, and the university may consider the request abandoned and close it in accordance with WAC 478-276-105.

(4) **Priority of requests.** The public records office will handle requests in the order in which they are received; provided, however, that the public records office will modify this approach as, and to the extent it deems necessary, to ensure that requests which seek larger volumes of records, require closer review, or are otherwise more complicated or time consuming, do not unreasonably delay simpler, more routine requests.

(5) **Installments.** When it appears that the number of records responsive to a request may be large, that the process of locating, assembling, or reviewing the records may be lengthy, or that it is otherwise appropriate, the public records office may choose to provide records on a partial or installment basis. For the purposes of WAC 478-276-090 through 478-276-105, and unless otherwise provided under these rules, each installment of records shall be treated as a separate public records request.

(6) **Customized electronic access.** Where the public records office deems it appropriate, the university may choose to provide customized electronic access to public records; provided, however, that any requestor seeking such customized electronic access must pay, in advance, for university staff time and any other direct costs related to providing such customized electronic access. Because the university maintains electronic records in a very wide variety of formats, the

viability of providing this service is evaluated on a case-by-case basis.

[Statutory Authority: RCW 28B.20.130 and chapter 42.56 RCW. WSR 13-05-073, § 478-276-085, filed 2/19/13, effective 3/22/13.]

WAC 478-276-090 Notice of availability. (1) **Notice of availability generally.** Once records responsive to a request (or any installment thereof) have been located, assembled, reviewed, and prepared for release, and any affected third persons or agencies notified, the public records office shall promptly notify the requestor that those records are available for inspection or copying.

(2) **Statement of copying, mailing, or other costs.** The notice of availability will state any costs for obtaining a copy of the records, the costs for having a copy mailed to the requestor, and any other allowable costs under WAC 478-276-100 or the Public Records Act.

(3) **Response to notice of availability.** Upon receipt of a notice of availability, the requestor may inspect the records by either:

(a) Scheduling a viewing appointment with the public records office as provided under WAC 478-276-095;

(b) Requesting that a copy of the requested records be held for pickup at the public records office subject to payment of any copying or other charges as set forth under WAC 478-276-100; or

(c) Requesting that a copy of the requested records be sent to the requestor (subject to payment of any copying or other charges as set forth under WAC 478-276-100).

(4) **Failure to respond to notice of availability.** If, within ten business days of issuance of a notice of availability, the requestor fails to claim the records (or any installment thereof) by either scheduling a viewing appointment or requesting copies and making any required payment, the public records office may consider the request closed. In such case, the public records office may cease locating, assembling, reviewing, or otherwise processing any remaining records, and it may dispose of any records made available as provided under WAC 478-276-105.

[Statutory Authority: RCW 28B.20.130 and chapter 42.56 RCW. WSR 13-05-073, § 478-276-090, filed 2/19/13, effective 3/22/13. Statutory Authority: RCW 28B.20.130(1). WSR 81-20-049 (Order 81-2), § 478-276-090, filed 10/2/81; Order 73-5, § 478-276-090, filed 5/29/73.]

WAC 478-276-095 Viewing appointments. (1) **No fee.** No fee shall be charged for inspecting records at the university's public records office.

(2) **By appointment only.** In-office inspections are by appointment only during regular office hours: Monday through Friday 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m., excluding university holidays, university closures, and such other closures as may be posted on the public records office's web site.

(3) **Scheduling appointments.** In-office inspections must be scheduled in advance by contacting the public records office (see WAC 478-276-140).

(4) **Protection of public records.** Access to records during viewing appointments shall be restricted to the viewing area designated by the public records office. No document shall be physically removed by

a member of the public from the viewing area for any reason whatsoever; nor shall any member of the public who is viewing documents disassemble, deface, or cause the disorganization of any record for any reason whatsoever. A public records office staff member may observe any inspection to ensure that records are not disorganized, defaced, or otherwise harmed.

(5) **Identification of records reviewed.** At the end of each viewing appointment, the requestor will identify to the public records office staff those records reviewed during the appointment. If any records remain to be reviewed, another viewing appointment must be scheduled at that time. Reviewed records, or remaining records for which no further viewing appointment has been scheduled, are subject to disposition as provided under WAC 478-276-105.

(6) **Obtaining copies at viewing appointments.** At the end of each viewing appointment, the requestor shall identify to the public records office staff any records he or she would like copied. The public records office staff will arrange to provide such copies in as timely a manner as possible in view of all circumstances, including the volume of copies requested, any pending copying requests, time of day, staff resources, and any other relevant considerations. Records identified for copying during viewing appointments are subject to prepayment of any copying or other costs in accordance with WAC 478-276-100. Requestors may not make their own copies of public records during viewing appointments.

(7) **Failure to attend a scheduled viewing appointment.** A requestor who fails to attend a scheduled viewing appointment must call the public records office within ten business days to reschedule the missed appointment. Unless otherwise permitted by the public records office, a viewing appointment may not be rescheduled more than two times. If a requestor fails to reschedule a missed viewing appointment within ten business days or has already rescheduled the appointment two times, the public records office may consider the request closed and may dispose of any records or copies made available in accordance with WAC 478-276-105.

[Statutory Authority: RCW 28B.20.130 and chapter 42.56 RCW. WSR 13-05-073, § 478-276-095, filed 2/19/13, effective 3/22/13.]

WAC 478-276-100 Copying fees. (1) **Copying facilities available.** Facilities shall be made available to requestors for the copying of public records as set forth under WAC 478-276-095, except when and to the extent that this would unreasonably disrupt the operations of the public records office.

(2) **Copying costs.** Pursuant to RCW 42.56.120(2), as amended by section 3, chapter 304, Laws of 2017, the University of Washington declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records: Funds were not allocated for performing a study to calculate such actual costs and the agency lacks the necessary funds to perform a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential agency functions. Therefore, the University of Washington adopts the following fees consistent with the fee schedule established in RCW 42.56.120, as amended by section 3, chapter 304, Laws of 2017:

(a) Fifteen cents per page for photocopies of public records, and printed copies of electronic public records when requested by the person requesting records;

(b) The university may charge the actual cost of any digital storage media or device (for example, without limitation, compact disks (CDs), digital versatile disks (DVDs), audiotape, or videotape) used to provide copies, the actual cost of any container and envelope used to mail or transmit the copies to the requestor, and the actual postage or delivery charge, or other charges as allowed by law. Such charges shall not exceed the amount necessary to reimburse the university for actual costs.

(3) **Deposits.** The university may require a ten percent deposit on copying or other charges. Any required deposit must be paid before the request is processed.

(4) **Prepayment.** The public records office shall not release any requested copies of public records unless and until the requestor has paid all copying and other charges as set forth above. Fee waivers are an exception and are available at the discretion of the public records officer. If payment is not received by the public records office within fifteen business days of issuance of the university's notice of availability, the university may consider the request closed, and any records or copies responsive to such request shall be subject to disposition as provided under WAC 478-276-105.

[Statutory Authority: RCW 28B.20.130, 42.56.100, 42.56.040(1), and 42.56.120 as amended by 2017 c 304. WSR 18-05-044, § 478-276-100, filed 2/13/18, effective 3/16/18. Statutory Authority: RCW 28B.20.130 and chapter 42.56 RCW. WSR 13-05-073, § 478-276-100, filed 2/19/13, effective 3/22/13. Statutory Authority: RCW 28B.20.130, 2005 c 274, and Executive Order 97-02. WSR 06-17-131, § 478-276-100, filed 8/22/06, effective 9/22/06. Statutory Authority: RCW 28B.20.130, 42.17.260, 42.17.290, 42.17.300 and chapter 34.05 RCW. WSR 01-11-136, § 478-276-100, filed 5/23/01, effective 6/23/01; WSR 97-14-004, § 478-276-100, filed 6/19/97, effective 7/20/97. Statutory Authority: RCW 28B.20.130. WSR 91-10-031, § 478-276-100, filed 4/24/91, effective 5/25/91. Statutory Authority: RCW 28B.20.130(1). WSR 81-20-049 (Order 81-2), § 478-276-100, filed 10/2/81; Order 73-5, § 478-276-100, filed 5/29/73.]

WAC 478-276-105 Closing public records requests. (1) Closing requests generally. Once the requestor has reviewed or been provided with copies of the records made available in response to his or her request, that request shall be deemed closed; provided, however, that with respect to any installment of records other than the final installment, and except as otherwise provided in these rules (including, without limitation subsection (2)(c) of this section), the foregoing shall apply only to that installment, not the entire request.

(2) **Other closing events.** A request may also be deemed closed:

(a) If a requestor does not respond to a request for clarification or otherwise fails to clarify within ten business days;

(b) If the requestor fails to make a required deposit or payment for requested copies as provided under WAC 478-276-100;

(c) If the requestor fails to respond to a notice of availability as provided under WAC 478-276-090;

(d) If all records identified in any notice of availability (including a notice with respect to an installment of records) have not

been inspected, paid for, or picked up within fifteen business days of issuance of such notice of availability; or

(e) As otherwise provided under these rules or by law.

(3) **Disposition of records upon closing.** Upon the closing of a request, originals of any records assembled in response to the request shall be refiled, and any copies of records may be destroyed.

[Statutory Authority: RCW 28B.20.130 and chapter 42.56 RCW. WSR 13-05-073, § 478-276-105, filed 2/19/13, effective 3/22/13. Statutory Authority: RCW 28B.20.130, 42.17.260, 42.17.290, 42.17.300 and chapter 34.05 RCW. WSR 97-14-004, § 478-276-105, filed 6/19/97, effective 7/20/97.]

WAC 478-276-110 Exemptions and court protection. (1) **Exemptions generally.** The university reserves the right to determine that a public record requested in accordance with WAC 478-276-080, or any portion thereof, is exempt under the Public Records Act.

(2) **Commercial purposes.** The Public Records Act prohibits the university from disclosing lists of individuals requested for commercial purposes.

(3) **Identification of exemptions.** Public records office responses denying inspection of any record, in whole or in part, shall include a statement of the specific exemption(s) authorizing the withholding of the record (or portion thereof) and a brief explanation of how the exemption applies to the record or information withheld.

(4) **Enjoining inspection.** Pursuant to the Public Records Act, the university reserves the right to seek to enjoin the inspection of any specific record if the university determines that inspection 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.20.130 and chapter 42.56 RCW. WSR 13-05-073, § 478-276-110, filed 2/19/13, effective 3/22/13. Statutory Authority: RCW 28B.20.130, 2005 c 274, and Executive Order 97-02. WSR 06-17-131, § 478-276-110, filed 8/22/06, effective 9/22/06. Statutory Authority: RCW 28B.20.130. WSR 91-10-031, § 478-276-110, filed 4/24/91, effective 5/25/91; Order 73-5, § 478-276-110, filed 5/29/73.]

WAC 478-276-120 Review of denials of public records requests.

(1) **Petition for review.** A person who has been denied access to public records may submit to the university's public records officer a petition for prompt review of such decision. The written request shall specifically refer to the written statement by the public records office staff member which constituted or accompanied the denial.

(2) **Response to petition.** After receiving a written request for review of a decision denying a public record, the public records office shall promptly refer it to the hearing officer. The petition shall be reviewed and the action of the public records office shall be approved or disapproved. Such approval or disapproval shall constitute final university action for purposes of judicial review.

[Statutory Authority: RCW 28B.20.130 and chapter 42.56 RCW. WSR 13-05-073, § 478-276-120, filed 2/19/13, effective 3/22/13. Statutory Authority: RCW 28B.20.130, 42.17.260, 42.17.290, 42.17.300 and chapter

34.05 RCW. WSR 01-11-136, § 478-276-120, filed 5/23/01, effective 6/23/01. Statutory Authority: RCW 28B.20.130(1). WSR 81-20-049 (Order 81-2), § 478-276-120, filed 10/2/81; Order 73-5, § 478-276-120, filed 5/29/73.]

WAC 478-276-140 Public records address. The university's public records officer may be contacted at the following physical address, telephone numbers, or email address:

Office of Public Records and Open Public Meetings
University of Washington
4311 11th Ave. N.E., Suite 360
Seattle, WA 98105
Telephone: 206-543-9180
Facsimile: 206-616-6294
Email: pubrec@uw.edu

The public records office's web site is at <http://depts.washington.edu/publicrecords>.

[Statutory Authority: RCW 28B.20.130 and chapter 42.56 RCW. WSR 13-05-073, § 478-276-140, filed 2/19/13, effective 3/22/13. Statutory Authority: RCW 28B.20.130 and Executive Order 97-02. WSR 06-13-021, § 478-276-140, filed 6/13/06, effective 7/14/06. Statutory Authority: RCW 28B.20.130 and chapter 42.17 RCW. WSR 03-12-007, § 478-276-140, filed 5/22/03, effective 6/22/03. Statutory Authority: RCW 28B.20.130, 42.17.260, 42.17.290, 42.17.300 and chapter 34.05 RCW. WSR 01-11-136, § 478-276-140, filed 5/23/01, effective 6/23/01; WSR 97-14-004, § 478-276-140, filed 6/19/97, effective 7/20/97. Statutory Authority: RCW 28B.20.130(1). WSR 81-20-049 (Order 81-2), § 478-276-140, filed 10/2/81; Order 73-5, § 478-276-140, filed 5/29/73.]