

**Chapter 495B-276 WAC
ACCESS TO PUBLIC RECORDS**

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WAC

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WAC 495B-276-010 Purpose. The purpose of this chapter is to ensure that Bellingham Technical College complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-276-010, filed 2/10/93, effective 3/13/93.]

WAC 495B-276-020 Definitions. (1) "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 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 or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums and other documents.

(3) "Bellingham Technical College" is an agency organized by statute pursuant to RCW 28B.50.040. Bellingham Technical College shall hereafter be referred to as the "district." Where appropriate, the term "district" also refers to the staff and employees of the district.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-276-020, filed 2/10/93, effective 3/13/93.]

WAC 495B-276-030 Description of central and field organization of Technical College District No. 25. (1) Bellingham Technical College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the Bellingham Technical College campus within the city of Bellingham, Washington. The Bellingham Technical College campus likewise comprises the central headquarters for all operations of the district.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members

appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 495B-104-010. The board of trustees employs a president, an administrative staff, members of the faculty and other employees. The board of trustees takes such actions and promulgates such rules, and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the Policies and Procedures Manual for Bellingham Technical College, a current copy of which is available for inspection at the administrative office of the district.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-276-030, filed 2/10/93, effective 3/13/93.]

WAC 495B-276-040 Operations and procedures. (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the Policies and Procedures Manual of Bellingham Technical College, a current copy of which is available for inspection at the administrative office of the district.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-276-040, filed 2/10/93, effective 3/13/93.]

WAC 495B-276-050 Public records available. All public records of the district, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 or other statutes.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-276-050, filed 2/10/93, effective 3/13/93.]

WAC 495B-276-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the chief administrative officer of the district. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter 42.17 RCW.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-276-060, filed 2/10/93, effective 3/13/93.]

WAC 495B-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of

the district. For purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-276-070, filed 2/10/93, effective 3/13/93.]

WAC 495B-276-080 Requests for public records. In accordance with the requirements of RCW 42.17.290 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 are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at the district administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office 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 public 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 current index, an appropriate description of the record requested;

(f) A verification that the records requested shall not be used to compile a commercial sales list.

(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 person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-276-080, filed 2/10/93, effective 3/13/93.]

WAC 495B-276-090 Charges for public records. (1) Calculating the actual costs of charges for providing public records is unduly burdensome because it will consume scarce college resources to conduct a study of actual costs, and it is difficult to accurately calculate all costs directly incident to copying records, including equipment and paper costs, data storage costs, electronic production costs, and staff time for copying and sending requested records.

(2) Instead of calculating the actual costs of charges for records, the college president or designee shall establish, maintain, and make available for public inspection and copying a statement of costs that the college charges for providing photocopies or electronically produced copies of public records, and such charges for records shall not exceed the maximum default charges allowed in RCW 42.56.120 (2) (b).

(3) 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.

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

All charges must be paid by money order, cashier's check, or cash in advance.

[Statutory Authority: RCW 28B.50.130 and 2017 c 304. WSR 17-23-112, § 495B-276-090, filed 11/16/17, effective 12/17/17. Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-276-090, filed 2/10/93, effective 3/13/93.]

WAC 495B-276-100 Determination regarding exempt records. (1)

The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 495B-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest: Provided, however, In each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-276-100, filed 2/10/93, effective 3/13/93.]

WAC 495B-276-110 Review of denials of public records requests.

(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 for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the president of the district, or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, the president of the district, or his or her designee, shall complete such review.

(4) During the course of the review the president or his or her designee shall consider the obligations of the district to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-276-110, filed 2/10/93, effective 3/13/93.]

WAC 495B-276-120 Protection of public records. Requests for public records shall be made at the administrative office of the district in Bellingham, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 495B-276-090.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-276-120, filed 2/10/93, effective 3/13/93.]

WAC 495B-276-130 Records index. (1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after September 1, 1991:

- (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 maintained 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.10.140, 42.30.075 and chapter 34.05 RCW. WSR 93-05-018, § 495B-276-130, filed 2/10/93, effective 3/13/93.]

