Chapter 388-01 WAC
PUBLIC RECORDS—DISCLOSURE

Last Update: 5/5/26

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-01-005 What definitions apply to this chapter? [Statutory Authority: RCW 42.56.040. WSR 18-05-021, § 388-01-005, filed 2/9/18, effective 3/12/18.] Amended and decodified by WSR 23-19-028, filed 9/12/23, effective 10/13/23. Statutory Authority: RCW 42.56.040. Recodified as § 388-01-010.

388-01-010 What are the purposes of this chapter? [Statutory Authority: RCW 42.56.040. WSR 18-05-021, § 388-01-010, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-010, filed 7/19/99, effective 8/19/99.] Amended and decodified by WSR 23-19-028, filed 9/12/23, effective 10/13/23. Statutory Authority: RCW 42.56.040. Recodified as § 388-01-005.

388-01-040 What public records are available for release? [Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-040, filed 7/19/99, effective 8/19/99.] Repealed by WSR 18-05-021, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.56.040.

388-01-050 Who should be contacted to request a public record? [Statutory Authority: RCW 42.56.040. WSR 18-05-021, § 388-01-050, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-050, filed 7/19/99, effective 8/19/99.] Repealed by WSR 23-19-028, filed 9/12/23, effective 10/13/23. Statutory Authority: RCW 42.56.040.

WAC 388-01-005 What is the purpose of this chapter? The purpose of this chapter is to ensure compliance by the department of social and health services with the provisions of the Public Records Act, chapter 42.56 RCW.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, amended and recodified as § 388-01-005, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-010, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-010, filed 7/19/99, effective 8/19/99.]

WAC 388-01-010 Definitions. The following definitions apply to this chapter:

(1) "Authorization" means a detailed document that gives DSHS permission to use or disclose confidential information and records for specified purposes and within a designated time frame.

(2) "Business days" means Monday through Friday, excluding legal holidays.

(3) "Client" means a person who receives services or benefits from DSHS. Clients include but are not limited to, consumers, recipients, applicants, residents of DSHS facilities or institutions, patients, parents receiving support enforcement services, persons who previously received services or benefits, and persons applying for benefits or services.

(4) "DSHS" means the department of social and health services.

(5) "Public records coordinator" means a person designated to respond to public records requests within an organizational unit or who are appointed as responsible for a local office, unit, region, program, or facility.

(6) "Public records officer" means the person designated as the public records officer for the DSHS under RCW 42.56.580. The DSHS public records officer has primary responsibility for management, oversight, and monitoring of DSHS's public records request process.

(7) "Redact" means deleting or marking out exempt information from a public record.

(8) "Third party notice" means notifying affected persons or entities of a public records request to allow the opportunity to enjoin disclosure of the records under RCW 42.56.540.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, amended and recodified as § 388-01-010, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-005, filed 2/9/18, effective 3/12/18.]

WAC 388-01-015 Does any provision in this title create a cause of action? Except where otherwise provided, no provision in Title 388 WAC:

(1) Creates or is intended to create any right or cause of action;

(2) Adds to or intends to add to any existing right or cause of action; or

(3) Compels the establishment of any program or special entitlement.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-015, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-015, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 43.17.060. WSR 02-15-119, § 388-01-015, filed 7/18/02, effective 8/18/02.]

Reviser's note: The permanent filing 23-19-028 contained no amendments to this section.

DSHS ORGANIZATION

WAC 388-01-020 How is DSHS organized? DSHS is organized into administrations which direct the provision of food and cash assistance, long-term care, vocational rehabilitation, services for people with intellectual and developmental disabilities, and behavioral health treatment for people in state-operated psychiatric hospitals as well as those with criminal justice involvement, and waiting to receive competency evaluation and restoration services. DSHS contracts with local government, private, and nonprofit contractors to deliver

these services, and operates over 140 field offices and 12 state-run facilities throughout Washington.

DSHS's current organizational structure can be located at the following link: https://www.dshs.wa.gov/office-of-the-secretary/organizational-chart.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-020, filed 9/12/23, effective 10/13/23. Statutory Authority: RCW 42.56.040 and chapter 42.56 RCW. WSR 19-02-018, § 388-01-020, filed 12/21/18, effective 1/21/19. Statutory Authority: RCW 42.56.040. WSR 18-05-021, § 388-01-020, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-020, filed 7/19/99, effective 8/19/99.]

DISCLOSURE OF PUBLIC RECORDS

WAC 388-01-030 What public records are available? (1) DSHS prepares and maintains public records that relate to the programs it administers. All records DSHS uses to conduct business are public records.

DSHS public records may include documents, audio and video recordings, pictures, email, and electronic data.

(2) DSHS public records are available to the public unless a law exempts them from disclosure. Some DSHS records are confidential and not available to everyone. Records exempt from public disclosure are listed under chapter 42.56 RCW, WAC 388-01-120, and other federal and state laws applicable to DSHS.

(3) Clients, or someone authorized to act for a client, may access confidential records about the client that are exempt from disclosure to the public unless specifically prohibited by law.

(4) Upon request, DSHS may provide access to records such as rules, policies, indexes, interpretive statements, pamphlets, forms, and other publications at cost under WAC 388-01-180 without using the public records request process.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-030, filed 9/12/23, effective 10/13/23. Statutory Authority: RCW 42.56.040 and chapter 42.56 RCW. WSR 19-02-018, § 388-01-030, filed 12/21/18, effective 1/21/19. Statutory Authority: RCW 42.56.040. WSR 18-05-021, § 388-01-030, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 41.17.020 [42.17.250], 41.17.260 [42.17.260], and 41.17.300 [42.17.300]. WSR 03-17-014, § 388-01-030, filed 8/12/03, effective 9/12/03. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-030, filed 7/19/99, effective 8/19/99.]

WAC 388-01-060 How may an individual request a public record? (1) An individual may request a public record verbally or in writing from the DSHS public records officer using the following contact information:

DSHS public records officer
Office of information governance
P.O. Box 45135
Olympia WA 98504-5135
Telephone: (360) 902-8484

Fax: (360) 902-7855

Email: DSHSPublicDisclosure@dshs.wa.gov.

DSHS prefers that all public record requests be in writing on the "request for DSHS records" form, DSHS 17-041. Individuals may locate this form on the DSHS website at https://www.dshs.wa.gov/office-of-the-secretary/forms or request it from the DSHS public records officer.

(2) If an individual does not use the DSHS form, the written public record request should include the following information:

(a) The requester's name, organization, mailing address, telephone number, fax number, and email address;

(b) The date of the request;

(c) A detailed description of the identifiable public record being requested;

(d) The email or mailing address where DSHS should send copies of the records, or if the requester wants to inspect the record at DSHS; and

(e) The requester's signature.

(3) An individual may fill out a record request at a DSHS office or send it by regular mail, email, or fax to the public records officer.

(4) Requests by third parties for confidential client records must be accompanied by a valid authorization as set forth in WAC 388-01-150.

(5) DSHS may ask an individual requesting a public record for personal identification when the law makes a record disclosable to a specific person.

(6) DSHS may deny a "bot" request, which is one of multiple requests from a requester within a 24-hour period, if responding to multiple requests would cause excessive interference with other essential DSHS functions.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-060, filed 9/12/23, effective 10/13/23. Statutory Authority: RCW 42.56.040 and chapter 42.56 RCW. WSR 19-02-018, § 388-01-060, filed 12/21/18, effective 1/21/19. Statutory Authority: RCW 42.56.040. WSR 18-05-021, § 388-01-060, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-060, filed 7/19/99, effective 8/19/99.]

WAC 388-01-070 When may a public record be inspected? (1) Individuals may inspect public records during DSHS office hours. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. Contact the public records coordinator in the appropriate office to arrange a time to inspect the public record.

(2) In order to preserve the record or prevent interference in the performance of departmental duties, DSHS reserves the right to restrict an individual's ability to inspect or copy public records. This does not prevent DSHS from providing copies of the public record by mail or email.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-070, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-070, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and

34.05.220. WSR 99-15-065, § 388-01-070, filed 7/19/99, effective 8/19/99.]

Reviser's note: The permanent filing 23-19-028 contained no amendments to this section.

WAC 388-01-080 Does DSHS charge for inspecting or providing public records? (1) There is no fee for inspecting public records.

(2) Pursuant to RCW 42.56.120 (2)(b), DSHS does not calculate the actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) DSHS does not have the resources to conduct a study to determine all of its actual copying costs; and

(b) To conduct such a study would interfere with other essential agency functions.

(3) DSHS may do one or more of the following:

(a) Charge for copies of records according to the default fees in RCW 42.56.120 (2)(b), (c) and (d);

(b) Charge for customized services pursuant to RCW 42.56.120(3);

(c) Charge other copy fees authorized by statutes outside of chapter 42.56 RCW;

(d) Enter into an alternative fee agreement with a requester under RCW 42.56.120(4).

(e) Charge for an advanced deposit of 10% of the estimated fees, including a customized service charge, as allowable under RCW 42.56.120(4).

(4) Responsive records may be provided in installments as allowable under RCW 42.56.120(4). Each installment must be either paid for or inspected prior to fulfilling the remainder of the request.

(5) Payment must be made by check or money order to the department of social and health services.

(6) The department will close a request as abandoned when the requester fails within 30 days to pay for a request, or an installment, or for the required 10% deposit.

(7) DSHS may waive copying fees in one or more of the following circumstances:

(a) Clients or someone having a valid authorization or court order to act for a client receiving the first copy of their client file;

(b) Producing records assists in managing a program;

(c) The expense of billing exceeds the cost of producing records;

(d) Fees totaling less than $2.00.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-080, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-080, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-080, filed 7/19/99, effective 8/19/99.]

WAC 388-01-090 When and how must DSHS respond to a public record request? (1) Within five business days after DSHS receives a public record request, DSHS must:

(a) Produce responsive public records;

(b) Acknowledge receipt of the request and provide an estimated date for first response;

(c) Provide an internet address and link to the specific records requested;

(d) Seek clarification of an unclear request; or

(e) Deny the request in writing, noting the reason(s) for denial.

(2) DSHS may produce records in installments, as appropriate.

(3) A request received after office hours will be considered to have been received on the following business day.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-090, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-090, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-090, filed 7/19/99, effective 8/19/99.]

WAC 388-01-100 When may DSHS need to extend the time to respond to a public record request? (1) DSHS may extend its estimated response time to:

(a) Locate and gather responsive records;

(b) Notify an individual or organization identified in the records or affected by the request;

(c) Determine whether requested records are exempt and whether all or part of the records may be released;

(d) Contact the requester to clarify the intent, scope, or specifics of the request.

(2) If a requester does not clarify an unclear request under subsection (1)(d) of this section, DSHS does not have to respond to the unclear parts of the request.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-100, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-100, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-100, filed 7/19/99, effective 8/19/99.]

WAC 388-01-110 What if a requester disputes production time estimates? If a requester thinks DSHS's time estimate for producing records under chapter 42.56 RCW is unreasonable, the requester may:

(1) Petition the public records coordinator to reduce the time estimate; or

(2) File a lawsuit in superior court under RCW 42.56.550(2).

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-110, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-110, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-110, filed 7/19/99, effective 8/19/99.]

Reviser's note: The permanent filing 23-19-028 contained no amendments to this section.

WAC 388-01-120 What if the public record contains information that is exempt from public disclosure? (1) Public records and information may be exempt from disclosure or production under chapter 42.56 RCW or other state or federal laws. Commonly applicable exemptions include, but are not limited to, the following:

(a) Under RCW 42.56.230(1), personal information in files maintained for welfare recipients and patients or clients of public institutions or public health agencies. Personal information includes, but is not limited to:

(i) Names;
(ii) Telephone numbers;
(iii) Fax numbers;
(iv) Email addresses;
(v) Social Security numbers;
(vi) Medical record numbers;
(vii) Health plan beneficiary numbers;
(viii) Account numbers;
(ix) Certificate or license numbers;
(x) Vehicle identifiers and serial numbers, including license plate numbers;
(xi) Device identifiers and serial numbers;
(xii) Web universal resource locators (URLs);
(xiii) Internet protocol (IP) address numbers;
(xiv) Biometric identifiers, including finger and voice prints;
(xv) Full face photographic images and any comparable images;
(xvi) Any other unique identifying number, characteristic, or code;
(xvii) All geographic subdivisions smaller than a state, including street address, mailing address, city, county, precinct, geocodes, and zip code, except for the initial three digits of a zip code; and
(xviii) All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death.

(b) Under RCW 74.04.060 and related federal laws, information and records about applicants and recipients of public assistance and other services provided and received under Title 74 RCW.

(c) Under chapter 13.50 RCW and related federal laws, information and records about juvenile offender and child welfare cases.

(d) Under chapter 26.23 RCW and related federal laws, information and records about child support enforcement.

(e) Under chapter 26.33 RCW and related federal laws, information and records about adoption.

(f) Under chapter 70.02 RCW and related federal laws, protected health care information and medical records.

(g) Under RCW 74.34.095, information and records about alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult.

(h) Under RCW 42.56.230(3), personal information in files maintained for DSHS employees or elected officials to the extent that disclosure would violate their right to privacy.

(i) Under RCW 42.56.250, the following information from personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency:
(A) Residential addresses;
(B) Residential phone numbers;
(C) Personal wireless telephone numbers;
(D) Personal email addresses;
(E) Social Security numbers;
(F) Driver's license numbers;
(G) Identicard numbers;
(H) Personal demographic details;
(I) Photographs and month and year of birth, except the news media shall have access to the photographs and full dates of birth;
(J) Emergency contact information; and

(K) Names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency.

(j) Under RCW 42.56.640 and 43.17.410, sensitive personal information of vulnerable individuals and in-home caregivers for vulnerable populations, except as allowed under subsection (3) of this section.

(2) If the requested public record contains information that is exempt from public disclosure, DSHS may:

(a) As appropriate, release the nonexempt portion, explaining what exemptions apply to redacted portions of the record;

(b) As appropriate, deny release of the entire record, sending a written explanation and citing the exemption that applies to the denial; or

(c) Neither confirm or deny the existence of the requested records and provide the legal basis for confidentiality as if the responsive records existed, when a denial would reveal information that is confidential and must not be disclosed.

(3) Sensitive personal information under subsection (1)(j) of this section may be disclosed or produced if DSHS determines that the requester:

(a) Meets the criteria under RCW 42.56.645; and

(b) Has complied with any procedures developed by DSHS to protect the confidentiality of the information.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-120, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-120, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-120, filed 7/19/99, effective 8/19/99.]

WAC 388-01-130 What are a requester's options if DSHS denies a public record request? (1) After DSHS takes final action to deny all or a portion of a public record request, a requester may do any one or more of the following:

(a) Petition for agency review by the denying public records coordinator or an approved designee. The written request must specifically refer to the written statement by the public records coordinator that constituted or accompanied the denial.

(b) Ask the office of the attorney general to review the public record request.

(i) Send a copy of the denied public record request and the DSHS written denial to:

Office of the attorney general
Public records review
P.O. Box 40100
Olympia WA 98504-0100.

(ii) The office of the attorney general will review the request and DSHS denial. The office of the attorney general issues a written opinion as to whether the requested public record is excluded from disclosure.

(c) File a lawsuit for judicial review under the Public Records Act in superior court in the county where the public record is located.

(2) "Final action" occurs when DSHS indicates that it will not provide responsive records. When DSHS produces installments of records, final action occurs when DSHS produces its last installment or indicates that it will not reconsider a denial. Before DSHS produces its last installment, DSHS may cure deficiencies within prior installments. DSHS encourages requesters to contact the public records coordinator with questions or concerns about installments prior to final action.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-130, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-130, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-130, filed 7/19/99, effective 8/19/99.]

WAC 388-01-140 If a public record identifies or pertains to an individual or organization, other than the requester, is that individual or organization notified? (1) If records responsive to a public records request identify or pertain directly to an individual or organization other than the requester, DSHS may notify the named individual or organization about the request.

(2) DSHS's third party notice may include:

(a) A copy of the original request;

(b) If appropriate, the records that identify or pertain to the third party;

(c) The date DSHS intends to release the record; and

(d) A statement that the third party may prevent release of the record by agreement or by bringing a lawsuit and getting an injunction against DSHS and the requester under RCW 42.56.540 prior to the intended release date.

(3) DSHS may inform the requester that:

(a) A third party has been notified of the request;

(b) DSHS provided the third party with a due date for objecting to disclosure; and

(c) In the absence of an agreement with the requester, the third party may bring a lawsuit against the requester and DSHS under RCW 42.56.540 to stop disclosure.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-140, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-140, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-140, filed 7/19/99, effective 8/19/99.]

Reviser's note: The permanent filing 23-19-028 contained no amendments to this section.

WAC 388-01-150 May a third party request a client's record? (1) A third party, such as a DSHS client's attorney or lay representative, may access confidential records about a DSHS client with a valid authorization.

(2) The authorization should:

(a) Identify the client;

(b) Identify the individual(s) or organization(s) authorized to receive the records;

(c) State that DSHS may disclose the information to the requester;

(d) Identify the record(s) that the client wants DSHS to release;

(e) State the date the authorization expires or an expiration event that relates to the client or the purpose of the use of disclosure;

(f) State the reason for disclosure;

(g) State the right to revoke;

(h) State the potential for redisclosure;

(i) As appropriate, include specific language authorizing DSHS to release any one or more of the following to the requester: substance use disorder records, HIV or STD records, or mental health records; and

(j) Include a dated verified signature of the individual with legal authority to authorize the release of records.

(3) DSHS may ask for additional proof to verify the third party's authority to access confidential records.

(4) In general, a parent may access confidential records about a child under age 18. But a child must consent to disclosure of the following confidential records:

(a) At any age, birth control or abortion records (see RCW 9.02.100);

(b) If over age 13, substance use disorder or mental health records (see RCW 71.34.530);

(c) If over age 14, sexually transmitted disease records (see RCW 70.24.110); and

(d) If over age 18, all client records held by DSHS.

(5) Legal guardians authorized by court order to act on behalf of a client are not considered to be a third party request.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-150, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-150, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-150, filed 7/19/99, effective 8/19/99.]

WAC 388-01-160 Is DSHS required to create public records for requesters? (1) DSHS is only required to provide access to existing, identifiable public records in its possession at the time of the request (see RCW 42.56.080).

(2) DSHS is not required to collect information to create a public record that does not exist at the time the public record request is received.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-160, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-160, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-160, filed 7/19/99, effective 8/19/99.]

Reviser's note: The permanent filing 23-19-028 contained no amendments to this section.

WAC 388-01-170 May DSHS release information or public records outside of the Public Records Act? (1) A request for information is not a Public Records Act request.

(2) A request to access records under authority other than the Public Records Act is not a Public Records Act request, including but not limited to the following examples:

(a) Requests by employees and labor unions to access employment records under collective bargaining agreements;

(b) Requests by qualified individuals and organizations to access confidential juvenile offender and child welfare records under chapter 13.50 RCW and related federal laws;

(c) Requests by qualified individuals or organizations to access confidential child support enforcement records under chapter 26.23 RCW and related federal laws;

(d) Requests by qualified individuals or organizations to access confidential adoption records under RCW 26.33.340;

(e) Requests for public access to confidential child welfare records under RCW 74.13.500 through 74.13.525;

(f) Requests by qualified individuals and organizations to access confidential health care information and medical records under chapter 70.02 RCW and related federal laws;

(g) Requests for records pursuant to a contract; and

(h) A legal subpoena or court order for DSHS records.

[Statutory Authority: RCW 49.12.250. WSR 26-10-075, s 388-01-170, filed 5/5/26, effective 6/5/26. Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-170, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-170, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-170, filed 7/19/99, effective 8/19/99.]

WAC 388-01-180 Who should an individual contact to review or get a copy of an interpretive or policy statement index? DSHS issues administrative policy statements that apply to the whole department. Administrations may issue policies and interpretive statements that relate to their own programs. (See RCW 34.05.010.)

(1) To receive a copy of a DSHS administrative policy, send a written request to:

Office of justice and civil rights
Rules and policies assistance unit
P.O. Box 45850
Olympia WA 98504-5850.

(2) To receive a copy or review a specific administration's policies or interpretive statements, send a written request to the administration.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-180, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-180, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-180, filed 7/19/99, effective 8/19/99.]

WAC 388-01-190 How can an individual get an index of DSHS significant decisions? (1) The DSHS board of appeals reviews and selects orders and creates an index of significant decisions that substantially affect DSHS performance (see RCW 42.56.070).

(2) The index:

(a) Is divided into program categories;

(b) Contains a copy or synopsis of the order; and

(c) Is updated, as needed.

(3) An individual can view the index on the boards of appeals website at https://www.dshs.wa.gov/office-of-the-secretary/board-appeals or inspect or request a copy by contacting the board of appeals at:

Board of appeals
1115 Washington Street S.E.
Olympia WA 98504-5803
Telephone: (360) 664-6100
Fax: (360) 664-6187

Mailing address:
Board of appeals
P.O. Box 45803
Olympia WA 98504-5803.

(4) An individual may ask the board of appeals to index an order as a significant decision by sending a written request with a copy of the order to the mailing address.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-190, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-190, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-190, filed 7/19/99, effective 8/19/99.]

WAC 388-01-200 How may an individual file a petition for declaratory order by DSHS? An individual may file a petition for declaratory order by DSHS as follows:

(1) Read the information on declaratory orders in RCW 34.05.240 and WAC 10-08-250, 10-08-251, and 10-08-252; and

(2) File the petition with the DSHS rules and policies assistance unit at:

DSHS Rules and policies assistance unit
P.O. Box 45850
Olympia WA 98504-5850.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-200, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-200, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-200, filed 7/19/99, effective 8/19/99.]