

**Chapter 34-04 WAC
PUBLIC RECORDS**

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WAC

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WAC 34-04-010 Purpose. The purpose of this chapter shall be to insure compliance by the commission on Asian-American affairs with the provisions of chapter 1, Laws of 1973, Initiative Measure No. 276, and in particular sections 25 through 32 of that act, now codified as RCW 42.17.250 through 42.17.320, concerning disclosure of public records.

[Statutory Authority: RCW 34.04.020, 34.04.060, 42.17.250, 42.17.260 and 42.30.070. WSR 82-20-015 (Order 82-1), § 34-04-010, filed 9/28/82.]

WAC 34-04-020 Definitions. The following definitions shall apply to this chapter:

(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 the commission regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) "Commission" means the commission on Asian-American affairs, created pursuant to chapter 43.117 RCW, and shall also refer to the commission's executive director and staff, where appropriate.

[Statutory Authority: RCW 34.04.020, 34.04.060, 42.17.250, 42.17.260 and 42.30.070. WSR 82-20-015 (Order 82-1), § 34-04-020, filed 9/28/82.]

WAC 34-04-030 Public records available. All public records of the commission are deemed to be available for public inspection and copying, except as otherwise provided by RCW 42.17.260, 42.17.310, as now and/or hereafter amended, and by WAC 34-04-090.

[Statutory Authority: RCW 34.04.020, 34.04.060, 42.17.250, 42.17.260 and 42.30.070. WSR 82-20-015 (Order 82-1), § 34-04-030, filed 9/28/82.]

WAC 34-04-040 Public records officer. The commission's executive director shall be the public records officer for the commission. The public records officer shall be responsible for implementation of the commission's rules and regulations regarding inspection and copying of public records, and for insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 34.04.020, 34.04.060, 42.17.250, 42.17.260 and 42.30.070. WSR 82-20-015 (Order 82-1), § 34-04-040, filed 9/28/82.]

WAC 34-04-050 Records index. The commission will make available to any person upon request a current index which provides identifying information as to the following records:

- (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, statutes and regulations which have been adopted by the commission;
- (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 commission relating to any regulatory, supervisory or enforcement responsibilities of the commission, whereby the commission 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 promulgated by the commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection and copying.

(3) Identifying information contained in the index will indicate in which of the commission's offices the public record is kept.

[Statutory Authority: RCW 34.04.020, 34.04.060, 42.17.250, 42.17.260 and 42.30.070. WSR 82-20-015 (Order 82-1), § 34-04-050, filed 9/28/82.]

WAC 34-04-060 Office hours. Public records shall be available for inspection and copying during normal office hours. For purposes of this chapter, normal 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.

[Statutory Authority: RCW 34.04.020, 34.04.060, 42.17.250, 42.17.260 and 42.30.070. WSR 82-20-015 (Order 82-1), § 34-04-060, filed 9/28/82.]

WAC 34-04-070 Requests for public records. In accordance with the requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, and to protect public records from damage or disorganization, and to prevent excessive interference with essential functions of the commission, 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 shall be made in writing upon a form prescribed by the commission which shall be available at either of its offices. The form shall be presented to the public records officer, or to any member of the commission's staff, if the public records officer is not available, at either commission office during normal office hours. The request shall include the following information:

(a) The name, address, and organization represented, if any, 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 referred to within the current index maintained by the 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 commission's current index, an appropriate description of the record requested.

(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 staff member to assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: RCW 34.04.020, 34.04.060, 42.17.250, 42.17.260 and 42.30.070. WSR 82-20-015 (Order 82-1), § 34-04-070, filed 9/28/82.]

WAC 34-04-080 Calculation of actual costs of producing copies of public records declared to be unduly burdensome—Adoption of statutory fee schedule.

(1) Pursuant to RCW 42.56.120(2), as amended by section 3, chapter 304, Laws of 2017, the Washington state commission on Asian Pacific American affairs 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.

(2) The Washington state commission on Asian Pacific American affairs may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120, as amended by section 3, chapter 304, Laws of 2017.

[Statutory Authority: 2017 c 304, chapters 42.56 and 43.117 RCW. WSR 18-03-141, § 34-04-080, filed 1/22/18, effective 2/22/18. Statutory Authority: RCW 34.04.020, 34.04.060, 42.17.250, 42.17.260 and 42.30.070. WSR 82-20-015 (Order 82-1), § 34-04-080, filed 9/28/82.]

WAC 34-04-090 Exemptions. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 34-04-070 is exempt from disclosure under the provisions of RCW 42.17.260 and 42.17.310.

(2) Pursuant to RCW 42.17.260, the commission reserves the right to delete identifying details when it makes available or publishes any public record, in any case where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records shall be accompanied by a written statement specifying the reason for the denial.

[Statutory Authority: RCW 34.04.020, 34.04.060, 42.17.250, 42.17.260 and 42.30.070. WSR 82-20-015 (Order 82-1), § 34-04-090, filed 9/28/82.]

WAC 34-04-100 Review of denials of public records requests. (1) Any person who objects to the denial of a request for public records may petition for prompt review of such decision by submitting a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Following receipt of a written request for review of a decision denying a request for public records, the public records officer or other authorized staff member denying the request shall refer it to the chairperson of the commission. The chairperson, or designee, shall immediately consider the matter and either affirm or reverse such denial. The request shall be returned with the final decision, within two business days following the original denial.

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

[Statutory Authority: RCW 34.04.020, 34.04.060, 42.17.250, 42.17.260 and 42.30.070. WSR 82-20-015 (Order 82-1), § 34-04-100, filed 9/28/82.]

WAC 34-04-110 Protection of public records. In order to properly protect the public records in the custody of the commission, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the offices of the commission;

(2) Inspection of any public records shall be conducted in the presence of a designated commission employee;

(3) No public records may be marked or defaced in any manner during inspection;

(4) Public records which are maintained in a filed jacket, or in a chronological order, may not be dismantled except for purposes of copying and then only by a designated employee of the commission;

(5) Access to file cabinets, shelves, vaults, etc., is restricted to commission personnel.

[Statutory Authority: RCW 34.04.020, 34.04.060, 42.17.250, 42.17.260 and 42.30.070. WSR 82-20-015 (Order 82-1), § 34-04-110, filed 9/28/82.]

WAC 34-04-120 Adoption of form. The commission hereby adopts for use by all persons requesting inspection or copying of its records, the form set out below, entitled "Request for public records."

We have received your request for copies of our public records. Please complete the attached form and return it with the proper payment to the address below. We will forward to you those requested copies which are not exempt from disclosure when we receive this form. Thank you.

Return to:

Commission on Asian-American Affairs
c/o Executive Director
1515 South Cherry
Olympia, WA 98504

or

110 Prefontaine Pl. S., #202
Seattle, WA 98104

REQUEST FOR PUBLIC RECORDS

Date Time.....

Name.....

Address.....

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Description of Records

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I certify that the information obtained through this request for public records will not be used for commercial purposes.

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Signature

Number of copies

Number of pages

Per page charge \$.25

Total charge \$.

[Statutory Authority: RCW 43.117.050(2). WSR 88-21-003 (Order 88-1), § 34-04-120, filed 10/6/88. Statutory Authority: RCW 42.17.250, 42.17.260 and 42.30.070. WSR 82-20-015 (Order 82-1), § 34-04-120, filed 9/28/82.]