

Chapter 226-02 WAC
PUBLIC ACCESS TO INFORMATION AND RECORDS

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WAC

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WAC 226-02-010 Purpose. The purpose of this chapter shall be to ensure compliance by the board with the provisions of RCW 42.17.250 through 42.17.348 dealing with public records.

[Statutory Authority: Chapter 47.06A RCW. WSR 99-18-048, § 226-02-010, filed 8/27/99, effective 9/27/99.]

WAC 226-02-020 Public records officer. The freight mobility strategic investment board public records shall be in the charge of the executive director, who shall be the public records officer for the board. The person so designated shall be officed in the board's office in Olympia, Washington. The public records officer shall be responsible for implementation of the board's rules and regulations regarding release of public records, coordinating staff efforts of the board in this regard and generally ensuring compliance of the staff with the public records disclosure requirements of chapter 1, Laws of 1973 (chapter 42.17 RCW).

[Statutory Authority: Chapter 47.06A RCW. WSR 99-18-048, § 226-02-020, filed 8/27/99, effective 9/27/99.]

WAC 226-02-030 Public records available. All public records of the board, as defined in chapter 42.17 RCW, are available for public inspection and copying as provided in these rules, unless the record falls within the specific exemptions of RCW 42.17.310 or other statute exempting or prohibiting disclosure of specific information or records.

[Statutory Authority: Chapter 47.06A RCW. WSR 99-18-048, § 226-02-030, filed 8/27/99, effective 9/27/99.]

WAC 226-02-040 Requests for public records. Subject to the provisions of subsection (3) of this section, public records are obtainable by members of the public when those members of the public comply with the following procedures.

(1) A request shall be addressed to the public records officer. Such request shall include the following:

(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 board, 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 board's current index, a statement that identifies the specific record requested.

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

(2) The public records officer shall inform the member of the public making the request whether the requested record is available for inspection or copying at the board's office in Olympia, Washington.

(3) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the board is also a party or when such a request is made by or on behalf of an attorney for such a party, the request shall be referred to the assistant attorney general assigned to the board for appropriate response.

[Statutory Authority: Chapter 47.06A RCW. WSR 99-18-048, § 226-02-040, filed 8/27/99, effective 9/27/99.]

WAC 226-02-050 Availability for public inspection and copying of public records—Office hours. Public records shall be available for inspection and copying during the normal business hours of the board. For the purposes of this chapter, the normal office hours shall be from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: Chapter 47.06A RCW. WSR 99-18-048, § 226-02-050, filed 8/27/99, effective 9/27/99.]

WAC 226-02-060 Inspection and copying cost. (1) No fee shall be charged for inspection of public records.

(2) The board shall impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse the board for its actual costs incident to such copying. Actual costs shall include the labor costs of staff, machine cost and paper cost necessary to provide copies of requested records.

[Statutory Authority: Chapter 47.06A RCW. WSR 99-18-048, § 226-02-060, filed 8/27/99, effective 9/27/99.]

WAC 226-02-070 Protection of public records. In order to implement the provisions of RCW 42.17.290, requiring agencies to enact reasonable rules to protect public records from damage or disorganization, the following rules have been adopted.

(1) Copying of public documents shall be done by board personnel and under the supervision of said personnel, upon the request of members of the public under the procedures specified in WAC 226-02-040.

(2) No document shall be physically removed by a member of the public from the area designated by the board for the public inspection of documents for any reason whatever.

(3) When a member of the public requests to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents which can be identified and supplied by themselves, the board shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by RCW 42.17.310 is contained therein, and the board shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of causing such an inspection to be performed.

[Statutory Authority: Chapter 47.06A RCW. WSR 99-18-048, § 226-02-070, filed 8/27/99, effective 9/27/99.]

WAC 226-02-080 Denial of request. (1) The board shall determine which public records requested in accordance with these rules are exempt under the provisions of RCW 42.17.310 or other statute.

(2) Each denial of a request for a public record shall be accompanied by a written statement to the person requesting the record specifying the reasons for denial, including a statement of the specific exemption authorizing the withholding of the record, in whole or in part, and a brief explanation of how the exemption applies to the record or portion of record withheld.

[Statutory Authority: Chapter 47.06A RCW. WSR 99-18-048, § 226-02-080, filed 8/27/99, effective 9/27/99.]

WAC 226-02-090 Review of agency denial. Whenever a person objects to a conclusion that a public record is exempt from disclosure, the person may request the attorney general to review the matter in accordance with RCW 42.17.325.

[Statutory Authority: Chapter 47.06A RCW. WSR 99-18-048, § 226-02-090, filed 8/27/99, effective 9/27/99.]

WAC 226-02-100 Records index. (1) The board has available for public inspection and copying at its offices in Olympia a current index of the following records:

(a) State legislation and proposed rules and regulations pertaining to board standards.

(b) Those statements of policy and interpretations of policy, statute and bylaws which have been adopted by the board;

(c) Minutes of board meetings;

(d) Resolutions approved by the board;

(e) FMSIB program guidelines;

(f) Program reports and publications;

(g) Budgets and expenditures;

(h) FMSIB project administration and accounting files.

(2) A system of indexing shall be as follows:

(a) The indexing system will be administered by the board's public records officer.

(b) Copies of the index shall be available for public inspection and copying in the manner provided in this chapter.

(c) The public records officer shall update the index at least once a year and shall revise the index when deemed necessary by the board.

[Statutory Authority: Chapter 47.06A RCW. WSR 99-18-048, § 226-02-100, filed 8/27/99, effective 9/27/99.]

WAC 226-02-110 Availability. The board's current index 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: Chapter 47.06A RCW. WSR 99-18-048, § 226-02-110, filed 8/27/99, effective 9/27/99.]