

**Chapter 495A-276 WAC
PUBLIC RECORDS**

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

495A-276-070	Office hours. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-276-070, filed 5/26/92, effective 6/26/92.] Repealed by WSR 19-17-032, filed 8/14/19, effective 9/14/19. Statutory Authority: Chapter 34.05 RCW, RCW 28B.10.140, 42.30.075 and 42.17.310.
495A-276-120	Protection of public records. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-276-120, filed 5/26/92, effective 6/26/92.] Repealed by WSR 19-17-032, filed 8/14/19, effective 9/14/19. Statutory Authority: Chapter 34.05 RCW, RCW 28B.10.140, 42.30.075 and 42.17.310.
495A-276-140	Adoption of form. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-276-140, filed 5/26/92, effective 6/26/92.] Repealed by WSR 19-17-032, filed 8/14/19, effective 9/14/19. Statutory Authority: Chapter 34.05 RCW, RCW 28B.10.140, 42.30.075 and 42.17.310.

WAC 495A-276-010 Purpose. The purpose of this chapter is to ensure that Bates Technical College, District No. 28, complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

[Statutory Authority: Chapter 34.05 RCW, RCW 28B.10.140, 42.30.075 and 42.17.310. WSR 19-17-032, § 495A-276-010, filed 8/14/19, effective 9/14/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-276-010, filed 5/26/92, effective 6/26/92.]

WAC 495A-276-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct or performance of any government agency 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, 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) "Bates Technical College" is an agency organized by statute pursuant to RCW 28B.50.040. Bates 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: Chapter 34.05 RCW, RCW 28B.10.140, 42.30.075 and 42.17.310. WSR 19-17-032, § 495A-276-020, filed 8/14/19, effective 9/14/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05

RCW and 1991 c 238. WSR 92-12-017, § 495A-276-020, filed 5/26/92, effective 6/26/92.]

WAC 495A-276-030 Description of central and field organization of Bates Technical College, District No. 28. (1) Bates 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 in the downtown campus within the city of Tacoma, Washington. The downtown campus likewise comprises the central headquarters for all operations of the district. Field activities for the south campus and central campus of the district are administered by personnel located at those campuses in Tacoma, Washington; all other field activities of the district are directed and administered by personnel located on the campus at 1101 South Yakima Avenue, Tacoma, WA 98405.

(2) The district is governed by the 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 495A-104-010. The board of trustees employs and delegates to the president authority for all administrative and operational responsibilities.

[Statutory Authority: Chapter 34.05 RCW, RCW 28B.10.140, 42.30.075 and 42.17.310. WSR 19-17-032, § 495A-276-030, filed 8/14/19, effective 9/14/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-276-030, filed 5/26/92, effective 6/26/92.]

WAC 495A-276-040 Operations and procedures. (1) Board policies 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) College policies are established by the president to address all administrative and operational activities.

[Statutory Authority: Chapter 34.05 RCW, RCW 28B.10.140, 42.30.075 and 42.17.310. WSR 19-17-032, § 495A-276-040, filed 8/14/19, effective 9/14/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-276-040, filed 5/26/92, effective 6/26/92.]

WAC 495A-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.

(1) Records may be reviewed in person at the district office during regular office hours at no charge. Fees for providing copies of records may apply, in accordance with WAC 495A-276-090.

(2) Requestors seeking to review records in person are asked to contact the public records officer by email, phone, or by mail to schedule an appointment. Contact information for the public records officer is as follows:

Public Records Officer
Bates Technical College
1101 South Yakima Avenue
Tacoma, WA 98405
pr@batestech.edu
253-680-7174

(3) The regular business hours of the public records office are from 7:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays and college closures.

[Statutory Authority: Chapter 34.05 RCW, RCW 28B.10.140, 42.30.075 and 42.17.310. WSR 19-17-032, § 495A-276-050, filed 8/14/19, effective 9/14/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-276-050, filed 5/26/92, effective 6/26/92.]

WAC 495A-276-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the president 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: Chapter 34.05 RCW, RCW 28B.10.140, 42.30.075 and 42.17.310. WSR 19-17-032, § 495A-276-060, filed 8/14/19, effective 9/14/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-276-060, filed 5/26/92, effective 6/26/92.]

WAC 495A-276-080 Requests for public records. (1) The public records officer or designee will provide assistance to any member of the public requesting to inspect the records of the district. However, a person seeking records must make a specific request for identifiable records and must clearly state that the inquiry is a public records request.

(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.

(3) The public records officer or designee will take action on a request for public records in a timely manner. In accordance with RCW 42.56.520, the requestor will receive a response within five days of receipt of the request by the district. If the request cannot be completed within five days, the public records officer will provide a reasonable time estimate for a complete response to the request. If the request is particularly large or complex, resulting in a large number of responsive documents or requiring significant redaction, the public records officer and the requestor may enter into an agreement by which the records are made available in installments at specific intervals.

(4) If the requestor fails to respond within fifteen days to a request from the public records officer for clarification of all or part of the public records request, the request or part of the request requiring clarification will be considered withdrawn and no further action will be taken.

(5) The requestor must claim or review the assembled records within thirty days of receiving notification that the records are available for inspection or copying. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the district will close the request and refile the assembled records.

[Statutory Authority: Chapter 34.05 RCW, RCW 28B.10.140, 42.30.075 and 42.17.310. WSR 19-17-032, § 495A-276-080, filed 8/14/19, effective 9/14/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-276-080, filed 5/26/92, effective 6/26/92.]

WAC 495A-276-090 Copying fees—Payments. (1) In accordance with RCW 42.56.070(7) and 42.56.120, the district may charge fees for providing copies of public records. The district has determined that calculating the actual costs for providing copies would be unduly burdensome. The determination is based on the large number of factors involved in calculating the actual cost and the frequency with which these factors change. Therefore, the district adopts the schedule of fees provided in RCW 42.56.120(2).

(2) No fee shall be charged for the inspection of public records; however, in some cases the district will charge a fee for providing copies of public records. These fees are summarized in the fee schedule available on the district's website at www.batestech.edu.

(a) The district may impose a customized service charge to cover its costs if the request requires the use of information technology or computer-related expertise to prepare data compilations or if such customized access services are not used by the agency for other business purposes.

(b) The district may require a ten percent deposit in advance if the fee for producing copies of responsive records will exceed one hundred dollars.

(c) All fees must be paid by credit or debit card, money order, cashier's check, or cash in advance of receiving the public records.

(d) The charge above may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

(e) Upon request, the district will provide a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charge.

(3) If the requestor fails to pay fees incurred for copying by the specified payment date, the district will close the request. In such a case, the requestor will receive notification at least ten business days in advance that the request will be closed for nonpayment.

[Statutory Authority: Chapter 34.05 RCW, RCW 28B.10.140, 42.30.075 and 42.17.310. WSR 19-17-032, § 495A-276-090, filed 8/14/19, effective

9/14/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-276-090, filed 5/26/92, effective 6/26/92.]

WAC 495A-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 495A-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute.

(2) Pursuant to RCW 42.17.260, the district reserves the right to redact 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, impair a vital governmental interest, or other applicable statutes.

(3) All denials of requests for public records must be accompanied by a written statement, signed by the public records officer or 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: Chapter 34.05 RCW, RCW 28B.10.140, 42.30.075 and 42.17.310. WSR 19-17-032, § 495A-276-100, filed 8/14/19, effective 9/14/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-276-100, filed 5/26/92, effective 6/26/92.]

WAC 495A-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 review of such decision by tendering a written request for review to the public records officer within ten business days. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) After receiving a written request for review of a decision denying a public record, the public records officer or designee shall refer the request for review to the president of the college. The president or designee shall consider the matter and either affirm or reverse such denial. All requests shall receive a final decision within five business days following receipt of the appeal by the district. The time for review of the denial may be extended by mutual agreement of the district and the requestor.

(3) During the course of the review the president or designee shall consider the obligations of the district to comply with the intent of chapter 42.17 RCW and exemptions provided in RCW 42.17.310 or other pertinent statutes.

[Statutory Authority: Chapter 34.05 RCW, RCW 28B.10.140, 42.30.075 and 42.17.310. WSR 19-17-032, § 495A-276-110, filed 8/14/19, effective 9/14/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-276-110, filed 5/26/92, effective 6/26/92.]

WAC 495A-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, subject to the limits of the college's retention schedule:

(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 in this chapter relating to any regulatory, supervisory, or enforcement responsibilities of the agency.

(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: Chapter 34.05 RCW, RCW 28B.10.140, 42.30.075 and 42.17.310. WSR 19-17-032, § 495A-276-130, filed 8/14/19, effective 9/14/19. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-276-130, filed 5/26/92, effective 6/26/92.]

WAC 495A-276-150 Notification of affected persons. If the requested record is not exempt from release and contains information which could identify an individual or agency, the district may notify the individual or agency thus identified that release of the record has been requested. In such cases, the district's initial response to the request will allow a reasonable time for the identified individual or agency to seek court protection from release of the record.

[Statutory Authority: Chapter 34.05 RCW, RCW 28B.10.140, 42.30.075 and 42.17.310. WSR 19-17-032, § 495A-276-150, filed 8/14/19, effective 9/14/19.]