

AMENDATORY SECTION (Amending WSR 89-12-057, filed 6/6/89)

WAC 132Y-320-010 Purpose. The purpose of this chapter shall be to ensure compliance by Community College District No. 23 with the provisions of chapter ((42.17)) 42.56 RCW, commonly called ((Initiative No. 276, and in particular with RCW 42.17.250 — 42.17.340 of that act dealing with public records)) the Public Records Act.

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WAC 132Y-320-020 Definitions. (1) "Public records" include 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, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

(3) "Community College District No. 23" is an agency organized by statute pursuant to RCW 28B.50.040 and shall hereinafter be referred to as the "district." Where appropriate, the term district also refers to the board of trustees and employees of the district.

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WAC 132Y-320-040 Operations and procedures. The district is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college district is operated under the supervision and control of a board of trustees. The board of trustees is made up of ((five)) six members, each appointed by the governor to a term of five years. The trustees exercise the powers and duties granted them under RCW 28B.50.140. The sixth trustee, also appointed by the governor, is a student who serves a one-year term.

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WAC 132Y-320-050 Public records available. (1) All public records of the district, as defined in WAC 132Y-320-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW ((42.17.310)) 42.56.210 through 42.56.470 and WAC 132Y-320-100((7)) Exemptions. 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 132Y-320-090.

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

Public Records Officer
Edmonds Community College
20000 68th Avenue West
Lynnwood, WA 98036
425-640-1400
records@edcc.edu

(3) The regular business hours of the public records office are from 9:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays and college closures.

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WAC 132Y-320-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the college president. The person so designated shall be located in the administrative offices of the district. That person may in turn designate persons in the administrative office to implement this section. The public records officer and their designee(s) shall be responsible for the following: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter ((42.17)) 42.56 RCW.

The public records officer will also be responsible for providing full access to public records made available for inspection, for protecting the records from damage or disorganization, and for preventing excessive interference with essential college functions. Public records made available for inspection may not be damaged or altered in any way or removed from the office without the permission of the public records officer.

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WAC 132Y-320-080 Requests for public records. ((In accordance with requirements of chapter 42.17 RCW 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 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 district which shall be available at its administrative office.))

(1) The public records officer or their designee will provide the

fullest 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. The district is under no legal obligation to create a new record to satisfy a records request.

(2) The district encourages requestors to use the public records request form made available by the public records office on the district's web site at www.edcc.edu. The form ((shall)) may be submitted online, by email, mail, fax, or presented to the public records officer, or to any member of the district's staff if the public records officer is not available, at the administrative offices of the district during customary office hours. If a request is made verbally, and the requestor has provided an email or mailing address, the public records officer will follow up with an email or letter confirming receipt of the request.

At a minimum, the request ((shall)), regardless of how it is submitted, should include the following information:

(a) The name of the person requesting the record;

(b) The mailing address, email address, or phone number of the person requesting the record;

(c) The time of day and calendar date on which the request was made;

((e)) (d) The nature of the request;

((d) If the matter requested is referenced 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 district'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 whom the request is made to assist the member of the public in appropriately identifying the public record requested.) (e) A description of the specific record requested;

(f) The manner in which the requestor would like to review the records.

(3) The public records officer or their designee will take action on a request for public records in as timely a manner as possible. 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 and/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 specified intervals.

(4) If the requestor fails to respond within thirty 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.

NEW SECTION

WAC 132Y-320-085 Fees. (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. This determination is based on the large number of factors involved in calculating the actual cost and the frequency with which these factors change. The district does not currently have accurate data regarding these factors, nor does it have the resources or appropriated funds to conduct an actual cost study. The district cannot divert resources away from other critical district programs in order to perform such a cost study. Additionally, such a study would likely need to be repeated on a regular basis. 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 web site at www.edcc.edu.

These charges represent the amount necessary to reimburse the district for its actual costs incident to such copying and/or electronic document preparation. Additionally, the district may impose a customized service charge to cover its costs if the request requires the use of IT expertise to prepare data compilations or if such customized access services are not used by the agency for other business purposes. The district may require a ten percent deposit in advance if the fee for producing copies of responsive records will exceed one hundred dollars. All fees must be paid by credit or debit card, money order, cashier's check or cash in advance. The charges above may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

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 charges.

(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.

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WAC 132Y-320-100 Exemptions. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132Y-320-080 is exempt under the provisions of chapter ((42.17)) 42.56 RCW.

~~((2))~~ In addition, documents are exempt from disclosure if any other statute exempts or prohibits disclosure. Requestors should be aware that some statutes outside the Public Records Act restrict the availability of some documents held by Community College District No. 23 for inspection and copying.

(2) Pursuant to RCW ~~((42.17.310))~~ 42.56.210, the district also reserves the right to ~~((delete))~~ redact identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter ~~((42.17))~~ 42.56 RCW and/or other applicable statutes. The public records officer or their designee will fully justify such ~~((deletion))~~ redaction in writing.

(3) All denials of requests for public records ~~((must))~~ will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

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WAC 132Y-320-110 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 within ten business days. 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) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or ~~((other staff member denying the request))~~ their designee shall refer ~~((it))~~ the request for review to the president of the college. The president or ~~((his))~~ their designee shall ~~((immediately))~~ consider the matter and either affirm or reverse such denial or consult with the attorney general to review the denial. In any case, the request shall be returned with a final decision within ~~((two))~~ five business days following ~~((the original denial.~~

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

NEW SECTION

WAC 132Y-320-135 Notification of affected persons. If the requested record is not exempt from release under WAC 132Y-320-100 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.

NEW SECTION

The following sections of the Washington Administrative Code are decodified and recodified as follows:

Old WAC Number	New WAC Number
132Y-320-080	132Y-320-075
132Y-320-100	132Y-320-095
132Y-320-110	132Y-320-105
132Y-320-130	132Y-320-125

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132Y-320-070	Office hours.
WAC 132Y-320-090	Copying.
WAC 132Y-320-120	Protection of public records.
WAC 132Y-320-990	Appendix A—Request for public record to Community College District No. 23.