

AMENDATORY SECTION (Amending Order 16, filed 10/4/73)

WAC 132F-168-010 Access to public records. (~~((This chapter shall be known as Seattle Community College District rules on public records.))~~) (1) The Seattle Community College District VI is a community college district organized under RCW 28B.50.040. The Seattle Community College District VI's central office is located at 1500 Harvard Ave., Seattle, WA 98122. The Seattle Community College District VI has field offices at:

- 9600 College Way North, Seattle, WA 98103
- 6000 16th Ave. S.W., Seattle, WA 98103
- 1701 Broadway, Seattle, WA 98122
- 2120 South Jackson St., Seattle, WA 98144

(2) Any person wishing to request access to public records of Seattle Community College District VI, or seeking assistance in making such a request should contact the public records officer of the Seattle Community College District VI at:

Public Records Officer
Seattle Community College District VI
1500 Harvard Ave.
Seattle, WA 98122
206-934-3873
SCCDPublicRecordsRequest@seattlecolleges.edu

(3) The public records officer will oversee compliance with the act but another Seattle Community College District VI staff member may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and the Seattle Community College District VI will provide the "full-est assistance" to requestors; create and maintain for use by the public and Seattle Community College District VI officials an index to public records of the Seattle Community College District VI; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the Seattle Community College District VI.

AMENDATORY SECTION (Amending Order 36, filed 11/21/77)

WAC 132F-168-020 Purpose. (~~((Seattle Community College District shall comply with the provisions of chapter 42.17 RCW, Disclosure Campaign finances Lobbying Records, while at the same time preserving the orderly operation of the Seattle Community College District and the privacy of the students and employees of the school.))~~) (1) RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to 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 the agency. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Pub-

lic Records Act, that exempts or prohibits the disclosure of public records held by that agency.

(2) The purpose of these rules is to establish the procedures Seattle Community College District VI will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the Seattle Community College District VI and establish processes for both requestors and Seattle Community College District VI staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the Seattle Community College District VI will be guided by the provisions of the act describing its purposes and interpretation.

AMENDATORY SECTION (Amending Order 36, filed 11/21/77)

WAC 132F-168-030 Request for document inspection. (~~((1) As defined by RCW 42.17.020(26), a 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 any state or local agency regardless of physical form or characteristics." Public records are presumptively available for public access, except as restricted by WAC 132F-168-050. Any person wishing to inspect a public record shall submit Form 1, "request for inspection of public records" WAC 132F-168-100. Each request must be presented to a dean of instruction, dean of students, registrars, district director of employee relations and personnel, business managers, or to their secretaries during regular office hours of the school, as defined in WAC 132F-168-080.~~)

~~(2) The officer to whom the request is presented shall, by the close of the following business day: (a) Make the requested document available, or (b) state that such a document does not exist, or (c) ask for clarification of the document requested, or (d) deny access because the document is exempt from public inspection under WAC 132F-168-050. The action taken shall be marked on Form 1 and returned to the person submitting the form.))~~ **(1) Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the Seattle Community Colleges, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at either the district office or at a field office when those records are stored or maintained at that location. To make arrangements to inspect records at a Seattle Community College District field office, contact the public records officer to schedule the inspection.

(2) Records index. An index of public records is available for use by members of the public, including nonexempt final orders, declaratory orders, interpretive statements, and policy statements, as defined by RCW 42.56.070(5), issued after June 30, 1990, by the board of trustees of the district, the presidents of the colleges, or their designees.

Form. The index shall reference final orders, declaratory orders, interpretive statements, or policy statements by one or more of the following classifications: Date of implementation, organizational unit, or subject matter.

Requests for access to indexes. Information regarding public inspection of indexes, their location, and a schedule for revising and updating these indexes can be obtained by contacting the public records officer.

(3) **Organization of records.** The Seattle Community College District VI will maintain its records in a reasonably organized manner. Seattle Community College District VI will take reasonable actions to protect records from damage and disorganization. A requestor shall not take Seattle Community College District VI records from Seattle Community College District VI offices without the permission of the public records officer or designee. A variety of records are available on the Seattle Community College District VI web site at www.seattlecolleges.edu. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) **Making a request for public records.**

(a) Any person wishing to inspect or copy public records of the Seattle Community College District VI should make the request in writing on the Seattle Community College District VI request form, or by letter, fax, or e-mail addressed to the public records officer (SCCDPublicRecordsRequest@seattlecolleges.edu) and including the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any e-mail address;
- Identification of the public records adequate for the public records officer or designee to locate the records; and
- The date and time of day of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to WAC 132F-168-060, standard photocopies will be provided at fifteen cents per page.

(c) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

AMENDATORY SECTION (Amending Order 36, filed 11/21/77)

WAC 132F-168-040 ((Appeal.)) **Review of denials of public records.** ((1) If request is denied by the officer pursuant to WAC 132F-168-030, the person requesting the document may appeal to the appropriate campus president or to the district president. The appellant shall file Form 2, together with Form 1 as returned, with the secretary to the campus president or district president, during the day the appeal is returned, if returned prior to 3 p.m., or by 11 a.m. the following business day if returned after 3 p.m. A campus president or

~~the district president shall answer the appeal by returning Form 2 to the person requesting the record before the end of the second business day following the original denial of inspection on Form 1, unless a later time is indicated in the form. In all cases, the person requesting the record shall be notified by the end of the second business day of the disposition of the request.~~

~~(2) If an appeal is filed after the time required in WAC 132F-168-040(1), then the return date shall be the end of the second business day following the filing of the appeal.~~

~~(3) The filing of a request and the return of Form 1 and Form 2 indicating disposition, is made by leaving the form with the secretary of the officer. The secretary of the officer shall mark the time and date of: (a) The receipt of the form, (b) the return of the form with disposition, and (c) the demand made for return by the person submitting the form. A request shall be deemed denied or an appeal denied only after the person filing the form has been notified by the secretary of the dean, personnel officer, president or district president. In all cases, the person shall be notified by the end of the second business day.~~

~~(4) Administrative remedies shall not be considered exhausted until the campus president or the district president has returned the appeal form by the close of the second business day. An appeal may then be made to the board at the next scheduled board meeting.))~~ (1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the appropriate vice-chancellor. That person will immediately consider the petition and either affirm or reverse the denial within two business days following the Seattle Community College District VI's receipt of the petition, or within such other time as mutually agreed upon by the Seattle Community College District VI and the requestor.

(3) **Review by the attorney general's office.** Pursuant to RCW 42.56.530, if the Seattle Community College District VI denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

AMENDATORY SECTION (Amending Order 36, filed 11/21/77)

WAC 132F-168-050 Exemptions. ~~((1) Public access shall not be granted to documents exempt under RCW 42.17.310, "certain personal and other records exempt," unless the officer determines that disclosure would not affect any vital governmental interest. If the interest can~~

be protected by deletion of personal references, access shall be granted following deletion of such material, and a reasonable time shall be allowed for deleting the material.

(2) Examination of individual files of Seattle Community College District students shall be in accordance with the provisions of district policy 310, student records and federal register, Part 99 — Privacy rights of parents and students.

(3) Individual files of applicants, employees, and officers of Seattle Community College District are available only to members of the faculty and staff of Seattle Community College District who are entrusted with the care and custody of the files, to supervisory personnel, and to the business staff for purposes necessary to carrying out their functions. The only information contained in the individual file of an employee which shall be available for public inspection shall be the name, status, salary and teaching duties of the employee. The employee, however, shall have full access to his personnel file as agreed upon in the employee organization contract.) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by Seattle Community College District VI for inspection and copying:

(1) The Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; the Uniform Trade Secrets Act, chapter 19.108 RCW; attorney-client privileged communications, RCW 5.60.060(2).

(2) Examination of individual files of Seattle Community College District students shall be in accordance with the provisions of district policy and procedure 380, student records.

(3) The Seattle Community College District VI is prohibited by statute from disclosing lists of individuals for commercial purposes.

(4) Pursuant to RCW 42.56.540, the Seattle Community College District VI reserves the right to seek to enjoin the examination of any specific record, the examination of which the district determines would clearly not be in the public interest and would substantially and irreparably damage any person or would substantially and irreparably damage vital governmental functions.

AMENDATORY SECTION (Amending Order 36, filed 11/21/77)

WAC 132F-168-060 Copying. ((Persons granted access to public records pursuant to Form 1 shall be allowed to obtain copies of such documents as they desire upon the payment of twenty five cents per copy page. Copies of documents will be made by an authorized staff member of the Seattle Community College District on any available copier. Payment for copies shall be made to a cashier of the college who will issue a receipt which must be presented to the person in charge of the copying machine. The charge of twenty five cents per copy page is the reasonable cost of paper and copying charges for Seattle Community College District.)) (1) **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain photocopies for fifteen cents per page. The district reserves the right to use outside vendors for large projects when an outside vendor can provide copies

quicker or for less cost. The requestor will be required to pay the cost charged by the vendor.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The Seattle Community College District VI will not charge sales tax when it makes copies of public records.

(2) **Costs for electronic records.** The cost of scanning existing Seattle Community College District VI paper or other nonelectronic records is four cents per page. There will be no charge for e-mailing electronic records to a requestor, unless another cost applies such as a scanning fee. A statement of the factors and the manner used to determine this charge is available from the public records officer.

If the requestor asks that the electronic records be provided on CD or DVD, the requestor will be charged the cost of the CD or DVD. If the electronic records are too large to be e-mailed through the Seattle Community College District e-mail system, they will be provided on CD or DVD, and the requestor will be charged accordingly.

(3) **Costs of mailing.** The Seattle Community College District VI may also charge actual costs of mailing, including the cost of the shipping container.

(4) **Payment.** Payment may be made by cash, check, or money order to the Seattle Community College District VI.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132F-168-075	Judicial review of agency action.
WAC 132F-168-080	Office hours.
WAC 132F-168-090	Sanctions.
WAC 132F-168-100	Request for inspection of public records—Form 1.
WAC 132F-168-110	Request for inspection of public records—Form 2.