

**SHORELINE COMMUNITY COLLEGE  
DISTRICT NUMBER SEVEN  
BOARD OF TRUSTEES  
SPECIAL MEETING OF JULY 24, 2017**

**TAB 3**

**ACTION**

**Subject: Policy 3812/WAC 132 276 (Public Records)**

**Background**

EHB 1595 (concerning costs associated with responding to public records requests) (<http://app.leg.wa.gov/billsummary?BillNumber=1595&Year=2017>) goes into effect July 23, 2017 and will impact the College's existing authority and ability to charge fees for public records requests beginning July 23, 2017.

The original bill was proposed to the legislature from cities, counties, and municipalities—government entities not required to go through the rule-making process in order to create a rule (WAC). Whereas cities, counties, and municipalities have the ability to charge fees for public records requests upon approval by its governing board(s), agencies like Shoreline Community College are mandated to go through the formal rule-making process to effectuate the same.

EHB 1595 removes the College's authority to charge fees for public records. To manage risk until a new rule is formally put in place, the College is requesting the Board's approval to draft an emergency rule for public records charges—to be effective upon filing for up to 120 days.

During the time the emergency rule is in place, Shoreline will be presenting the revised Policy 3812/WAC 132G-276 (Public Records) to the Board through the regular 2-part review process.

If the Board grants its approval for the filing of an emergency rule for public records charges:

1. The emergency rule will be filed and in place from July 25, 2017 and effective for 120 days thereafter.

**Recommendation**

That the Board of Trustees take action on the writing and filing of an emergency rule for public records charges.

Prepared by: Cheryl Roberts, President  
Veronica Zura, Director of Human Resources  
Shoreline Community College  
July 20, 2017

**To follow**

- Policy 3812/WAC 132 276 (Public Records)



Policy Name:	Public Records
Policy Number:	3812
Applicable Code/Law:	RCW 42.17, RCW 28B.50.140(13) and RCW 42.17.260(5)

**132G-276-010**

**Purpose.**

The purpose of this chapter shall be to ensure compliance by the college with the provisions of chapter [42.17](#) RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular with RCW [42.17.250](#) - 42.17.320 of that act, dealing with public records.

**132G-276-020**

**Definitions.**

(1) **Public records.** "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.

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

**132G-276-050**

**Public records available.**

All public records of the college, as defined in WAC [132G-276-020](#) and RCW [42.17.020](#) are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by law.

**132G-276-060**

**Public records officer.**

The college's public records shall be in the charge of the public records officer designated by the college president. The person so designated may in turn designate persons in the administrative office to implement this section. The public records officer and his or her

designees shall be responsible for the following: The implementation of the college's rules and regulations regarding release of public records, coordinating the staff of the college in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter [42.17](#) RCW.

### **132G-276-070**

#### **Office hours.**

Public records shall be available for inspection and copying during the customary office hours of the college. For the purposes of this chapter, the customary 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 and other college holidays.

### **132G-276-080**

#### **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 college which shall be available at its administrative office on the campus. The form shall be presented to the public records officer and/or his or her designees, at the administrative office on the campus during customary office hours. The request shall include the following information:

- (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 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 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 and/or his or her designees, to assist the member of the public in appropriately identifying the public record requested.

(3) The public records officer and/or his or her designee to whom the request is presented shall respond promptly by:

- (a) Making the requested document available;
- (b) Acknowledging receipt of the request and providing a reasonable estimate of the time required to respond to the request;
- (c) Stating that such a document does not exist;
- (d) Asking for clarification of the document requested; or
- (e) Denying access to some or all of the document because portions of the document are exempt from public inspection.

## **132G-276-090**

### **Charges for public records**

No fee shall be charged for the inspection of public records. The college imposes a charge for providing copies of public records. Calculating the actual costs of charges for providing public records is unduly burdensome because it will consume scarce college resources to conduct a study of actual costs, and it is difficult to accurately calculate all costs directly incident to copying records, including equipment and paper costs, data storage costs, electronic production costs, and staff time for copying and sending requests. Instead of calculating the actual costs of charges for records, the college president or designee shall establish, maintain, and make available for public inspection and copying a statement of costs that the college charges for providing photocopies or electronically produced copies of public records, and such charges for the records shall not exceed the maximum default charges allowed in RCW 42.56.120(2)(b). The college may also use any other method authorized by the Public Records Act for imposing charges for public records including, but not limited to, charging a flat fee, charging a customized service charge, or charging based on a contract, memorandum of understanding, or other agreement with the requestor. The college may waive charges assessed for records when the public records officer determines collecting a fee is not cost effective.

## **132G-276-100**

### **Exemptions.**

(1) The college reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC [132G-276-080](#) is exempt under chapter [42.17](#) RCW or other law which exempts or prohibits disclosure of specific information or records.

(2) In addition, pursuant to RCW [42.17.260](#), the college reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is a statute or law authorizing nondisclosure of the requested material. The public records officer and/or his or her designee will fully justify such deletion in writing.

(3) All denials of requests for public records must 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.

## **132G-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 prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer and/or his or her designees 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 and/or his or her designee denying the request shall refer it to the college president. The college president or his or her 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 business days following the original denial.

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

(4) Once the college denies a request for public records, the requester may request the attorney general to review the denial. Pursuant to RCW [42.17.325](#), the attorney general will provide the requester with an opinion whether the record is exempt from disclosure.

### **132G-276-120**

#### **Protection of public records.**

Requests for public records shall be to the public records officer and/or his or her designees in the appropriate locations on the campus. Public records and a facility for their inspection will be provided by the public records officer and/or his or her designees. Such records shall not be removed from the place designated for their inspection. Copies shall be made only at Shoreline Community College. If copying facilities are not available at the college, the college will arrange to have copies made commercially according the provisions of WAC [132G-276-090](#).

### **132G-276-130**

#### **Records index.**

(1) Purpose. This rule is enacted in compliance with chapter [42.17](#) RCW, Disclosure—Campaign finances—Lobbying—Records; and chapter [34.05](#) RCW, Administrative Procedure Act; and in particular with RCW [42.17.260](#) and [34.05.220](#).

(2) Content. The public records officer shall maintain an index of final orders, declaratory orders, interpretive statements, and policy statements, as defined by RCW [42.17.260\(5\)](#), issued after June 30, 1990, by the board of trustees of the college, the president of the college, or their designees.

(3) 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.

(4) 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.

### **132G-276-140**

#### **Adoption of form.**

The college hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A [WAC [132G-276-900](#)], entitled "Request for public record."



# REQUEST FOR PUBLIC RECORDS

NAME	SIGNATURE
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NAME of ORGANIZATION (if applicable)

ADDRESS

PHONE	EMAIL ADDRESS
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DATE OF REQUEST	HOW DO YOU WISH TO VIEW THE DOCUMENTS? <input type="checkbox"/> View on campus <input type="checkbox"/> Receive copies by mail
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STATE THE NATURE OF YOUR REQUEST AND THE RECORDS REQUESTED

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STATE THE REFERENCE (if known) ON CURRENT INDEX

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OTHER COMMENTS

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## PLEASE NOTE

All requests for Public Disclosure will be processed within five (5) working days of receipt by the Public Records Officer at Shoreline Community College. You will be notified in writing either by fax, email, or letter as to whether your request will be granted or denied.

If your request is granted, sufficient time must be granted to the college to collect the necessary documents. This timeline will be provided in the response letter. You may view the requested documents at an agreed upon time in the Administration building. Charges for public records may apply per WAC 132G-276-090.

If your request is denied, specific reasons will be given in order that you might clarify your request.

### Send your request to:

Public Records Officer  
Human Resources Office  
Shoreline Community College  
16101 Greenwood Ave. N.  
Shoreline, WA 98133

## SHORELINE COMMUNITY COLLEGE

### Statement of costs for providing photocopies or electronically produced copies of public records

Shoreline Community College charges the following for photocopies or electronically produced copies of public records:

1. Fifteen cents per page for photocopies of public records printed copies of electronic records when requested by the person requesting records, or for the use of agency equipment to photocopy public records;
2. Ten cents per page for public records scanned into an electronic format or for use of agency equipment to scan the records;
3. Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery;
4. Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically;
5. The actual cost of any digital storage media or device provided by the agency;
6. The actual cost of any container or envelope used to mail the copies to the requestor; and
7. The actual postage or delivery charge.

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.

In addition to the charges above, the College may include a customized service charge. A customized service charge will only be imposed if the College estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the College for other College purposes. A customized service charge will only reimburse the College up to the actual cost of providing the customized services. The College will not assess a customized service charge unless the College has notified the requestor of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. The notice also must provide the requestor the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.