Public Records Information - Access

Purpose
This pamphlet is produced to assist you in understanding Washington law governing access to public records, and obtaining those records. This page is a guide; it is not a legal document. This state's basic law regarding inspection and copying of public records is in its Public Disclosure Act, chapter 42.17 RCW, and beginning at RCW 42.17.250. The act establishes a strong state policy for disclosure of public records. But there are some exemptions and limitations, too. We attempt in this pamphlet to give you an overview of your right to access public records. If you desire more specific information, you should refer to the act itself.

What Records Are "Public"?
A public record is any College record relating to the conduct of the College or the performance of a College function, and which is prepared or retained by the College. The record may be in a variety of forms such as writing, a recording, a picture, an electronic disk, a magnetic tape, etc.

What Public Records Are Available for Inspection?
All records maintained by the College are available for public inspection unless law specifically exempts them. You are entitled to access to public records, under reasonable conditions, and to copies of those records upon paying the costs of making the copy. In most cases, you do not have to explain why you want the records. However, specific information may be necessary to process your request. The College may require information necessary to establish if disclosure would violate certain provisions of law.

Exempt Records
While the strong policy of the state is for disclosure of public records, state law does allow for some information to be withheld. These “exemptions” are listed in the Public Records sections of the Public Disclosure Act (RCW 42.17). Other exemptions are found elsewhere in Washington law, and in Federal law.

Many of the exemptions are designed to protect the privacy rights of other individuals. Other exemptions are designed to protect the investigative functions of law enforcement and other agencies with investigative responsibilities, as well as the legitimate business interests of other citizens. You should refer to the Public Disclosure Act itself for specific exemptions. You may also wish to consult with the College’s public records officer.

Just because part of a record may be exempt does not mean the entire record can be withheld. In those cases, the agency has the obligation to black out or otherwise remove the information it believes is exempt from disclosure and provide you the rest.

If you are denied access to a public record, the agency must identify the specific exemption or other law it believes justifies its denial and explain how that exemption applies to your request.

Agency Not Required To Create Records
While, in general, the College must provide access to existing public records in its possession, the College is not required to collect information or organize data to create a record not existing at the time of the request. The more precisely you can identify the record you seek, the more responsive the College can be.

How To Request Records
A request for public records can be initiated in person, by mail or fax, or over the telephone. The College is required to provide assistance to citizens in obtaining public records and to explain how the College’s public records process
works. If you request certain public records, the College must make them available to you for inspection and copying during customary office hours of the College. You should make your request as specific as you can. A written request helps to identify specific records you wish to inspect.

Please direct any request for public records to the College as follows:

Human Resources Office
Bates Technical College
1101 South Yakima Avenue
Tacoma, WA 98405

Phone: 253.680.7100
Fax: 253.680.7171

After your inspection of records, you may identify those records you desire and, if copying does not disrupt College operations, copies promptly can be made for you. The College may enact reasonable procedures to protect records from damage or disorganization and to prevent disruption of College operations.

The College is required to establish an index as an aid to locating public records. The index is to be published and made available to those who request it.

College Response To A Request
The College is required to respond promptly to your request. Within five business days after receiving a request, the College must either:

1. Provide the record(s);

2. Acknowledge your request and give you a reasonable estimate of how long it will take to respond;

3. Deny the request in writing, with reasons for the denial (this could also include a denial of part of your request and a granting of the remainder). The College must tell you the specific exemption or other law it relies upon for its denial.

If a request is not clear, the College may ask you for further clarification. If the College denies your request, it must conduct an internal review of its denial within two business days after denial. At that time, the College’s denial is considered final. In the event of denial, your options are described elsewhere in the pamphlet.

College May Notify Affected Persons And May Seek Court Protection
The College may notify persons to whom the record pertains that release of the record has been requested. The College, or a person to whom the record applies, may ask a superior court to prevent an inspection of the record. If a protective order is sought the records request is on hold until further order of the court.

Fees
There is no fee for inspecting public records, but the College may charge a fee for the actual costs of copying the records. It may cost more to have copies “certified.”

Your Options If A Request Is Denied
1. Court Review. If the College denies your request to inspect or copy a record, you may file a lawsuit in Superior Court in the county where the record is located to require the College to release the record. Likewise, if there is unreasonable delay by the College, you may also bring a similar court action.
The burden is on the College to establish that its denial of inspection is proper or its estimate of time for response is reasonable. If you are successful in reversing the College denial, the court may require the College to pay costs and attorney fees incurred in the court action, and may award you an amount between $5 and $100 a day for each day that inspection was denied.

2. Attorney General Review. If the College denies your request to inspect or copy all or part of a record, you may request Office of Attorney General review. Direct your written request for Attorney General review, along with a copy of your request to the agency, and the agency's written denial to:

Office of Attorney General
Public Records Review
P.O. BOX 40110
Olympia, Washington
98504-0110

The Office of Attorney General will independently review your request and the College's denial, and provide you with a written opinion as to whether the record you requested is exempt from disclosure. This review by the Attorney General is not binding on the College or upon you.

The Attorney General review and response will be conducted as promptly as possible. The Office of Attorney General may have to contact you or the College to get more information before completing the review. The specific timeframe will vary depending upon the complexity of the issues involved, the need to obtain information from the requestor or the College, and the volume of requests received. A guide to reviews on State Agency denials of public records is available upon request. Submit a request to the Public Records Review address above.

Conclusion
Washington law makes public records accessible to the people, with some limitations. If you desire to review public records, the procedure described above is quite simple. In order to permit a prompt and adequate response, try to make your request as specific as possible. Remember, if you want to review the law on public records in detail, consult chapter 42.17 RCW, beginning with section 42.17.250.