

**Chapter 389-06 WAC  
PUBLIC RECORDS**

NEW SECTION

**WAC 389-06-010 Purpose.** The purpose of this chapter is to provide rules for the public deposit protection commission to ensure compliance with the provisions of chapter 42.56 RCW relating to public records.

NEW SECTION

**WAC 389-06-020 Description of the public deposit protection commission.** The public deposit protection commission is the commission established by chapter 39.58 RCW and empowered to perform all duties prescribed by law. The public deposit protection commission shall throughout this chapter, unless context clearly indicates otherwise, be referred to as the "commission."

NEW SECTION

**WAC 389-06-030 Administrative operations.** (1) Pursuant to RCW 39.58.220 and WAC 389-12-120, the office of the state treasurer administers the public deposit protection commission.

(2) The administrative office of the state treasurer is in the Legislative Building, Olympia, Washington. The contact information is:

Mail: Office of the State Treasurer  
416 Sid Snyder Ave. S.W., 2nd floor, Room 230  
P.O. Box 40200  
Olympia, WA 98504-0200  
Phone: 360-902-9000  
Email: watreas@tre.wa.gov

(3) All communications with the commission including, but not limited to, the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.56 RCW and these rules, or requests for copies of the commission's decisions and other matters, should be sent or directed to the administrative office of the state treasurer.

NEW SECTION

**WAC 389-06-040 Public records officer.** (1) The commission designates the office of the state treasurer's public records officer, ex

officio, as the commission's public records officer. The public records officer is responsible for implementing the commission's rules regarding release of public records, coordinating with the commission in this regard, and generally ensuring compliance with the public records disclosure requirements of chapter 42.56 RCW.

(2) The public records officer may choose one or more designees to carry out the responsibilities of this chapter including, but not limited to, processing and responding to public records requests.

#### NEW SECTION

**WAC 389-06-050 Office hours.** The commission's public records are available for inspection and copying during the customary office hours of the office of the state treasurer. Absent an emergency or other unforeseen, exigent circumstances, records may be available at the administrative office of the state treasurer without an appointment from 10:00 a.m. to 2:00 p.m., or with an appointment from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. To allow for the identification and retrieval of responsive records, a scheduled appointment is strongly advised.

#### NEW SECTION

**WAC 389-06-060 Records index.** As the office of the state treasurer is responsible for the administration of the commission, the records index for the office of the state treasurer is also the records index for the commission, and is available to the public on the office of the state treasurer's website at <https://tre.wa.gov/public-records-index>. Similarly, the state general records retention schedule and the office of the state treasurer's specific records retention schedule, as established and approved by the state records committee, further serve as the index for the identification and location of the commission's records.

#### NEW SECTION

**WAC 389-06-070 Requests for public records.** (1) This procedure for requesting public records ensures the office of the state treasurer can provide the fullest assistance to requestors; prevent unreasonable invasions of privacy; protect public records from damage or disorganization; and prevent excessive interference with essential functions of the office or the commission.

**(2) Submitting a request.**

(a) Persons seeking public records of the commission are strongly encouraged to, before submitting a records request, first review the following websites, where many Washington state records are free for viewing and downloading at any time. If any of the web addresses below become inoperable, record seekers may contact the office of the state

treasurer to learn any replacement addresses or about similar resources:

(i) <https://tre.wa.gov/public-records-index> provides a list of records available on the office website, including data and information related to the state's investments and debt.

(ii) <https://tre.wa.gov/our-office/boards-and-commissions/public-deposit-protection-commission> provides access to recent commission meeting documents and resolutions.

(iii) <https://data.wa.gov> provides access to multiple datasets maintained by Washington agencies.

(b) Requests for commission records under the provisions of the Public Records Act may be submitted to the office of the state treasurer in one of the following ways:

(i) **Online:** <https://tre.wa.gov/public-records-requests>. Requestors are strongly encouraged to submit requests through the office of the state treasurer's secure online Public Records Act portal, which allows requestors to also track the status of their request and easily receive documents of any type or size.

(ii) **Email:** [publicdisclosure@tre.wa.gov](mailto:publicdisclosure@tre.wa.gov)

(iii) **U.S. mail or delivery:**

Public Deposit Protection Commission  
c/o Washington State Treasurer  
Attn: Public Records Officer  
416 Sid Snyder Avenue, S.W.  
P.O. Box 40200  
Olympia, WA 98504-0200

(iv) **In person.** A request may be made to staff at the administrative office of the state treasurer during customary office hours. A printed form will be provided to requestors submitting oral requests in person. The completed form will be directed to the public records officer to be processed as described in this chapter.

(c) The request must include the following information:

(i) Name of requestor;

(ii) Address of requestor;

(iii) Direct contact information, including telephone number and email address, to allow for communication if clarification is required, and for notification when records are available for viewing or retrieval; and

(iv) A clear description identifying the public records requested, including dates of the records or transactions, if appropriate.

(d) Communications seeking commission records, but which are sent or provided to unauthorized locations, addresses, or staff may not be accepted as or processed as Public Records Act requests. The office of the state treasurer may process such communications as constituent correspondence or general requests for information, as appropriate. If seeking commission records, requestors are strongly encouraged to submit their request to the public records officer as directed in (b) and (c) of this subsection.

## NEW SECTION

**WAC 389-06-080 Processing public records requests.** (1) Upon receipt of a public records request, it will be recorded in the office

of the state treasurer's public records tracking system and will be assigned a tracking number.

(2) The public records officer will evaluate the request to determine the availability and potential volume of requested records.

(3) **Acknowledging receipt of request.** Following the initial evaluation of the request under subsection (2) of this section, and within five business days of receipt of the request, the public records officer will do one or more of the following:

(a) Make the records available for inspection or retrieval, including:

(i) If copies are available via the internet, provide an internet address to specific records requested;

(ii) If copies will be provided without a fee or deposit for the copies, send the copies to the requestor;

(b) Acknowledge receipt of the request and provide a reasonable estimate of when records or an installment of records will be available, in which the estimate may be revised from time to time;

(c) Acknowledge receipt of the request and ask the requestor to provide clarification for a request that is unclear or unduly burdensome, providing, to the greatest extent practicable, the office of the state treasurer's interpretation of the request and a reasonable estimate of time to respond based on such interpretation:

(i) Clarification may be requested and provided by telephone and memorialized in writing;

(ii) If the requestor fails to respond to a request for clarification and the office of the state treasurer cannot reasonably interpret the request to be sufficient pursuant to chapter 42.56 RCW, the office of the state treasurer need not respond to it; or

(d) Deny the request.

(4) **Providing records in installments.** When the request is for a large number or size of records, the public records officer may provide copies or access for inspection and copying in installments. If, within 30 days, the requestor fails to inspect or take delivery of the entire set of records or any one or more installments, the request will be abandoned as described in subsection (5) of this section.

(5) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to amend or clarify an unclear request, take delivery of or inspect the records, pay the deposit, pay the required fees for an installment, or make final payment for the requested copies, the public records officer may deem the request abandoned, administratively close the request, and notify the requestor of such closure.

## NEW SECTION

**WAC 389-06-090 Copying fees—Payments.** (1) There is no fee to inspect public records. The commission may impose a charge for providing a copy of a public record.

(2) The commission does not calculate the actual costs for copying records because doing so would be unduly burdensome for the following reasons:

(a) The commission does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential commission and office of the state treasurer functions; and

(c) Through the 2017 legislative process, the public and requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2) (b) and (c), (3), and (4).

(3) The commission, through the office of the state treasurer may:

(a) Charge for copies of records pursuant to RCW 42.56.120 (2) (b) and (c);

(b) Charge for customized services pursuant to RCW 42.56.120(3);

(c) Charge other copy fees authorized by statutes outside of chapter 42.56 RCW pursuant to RCW 42.56.130; or

(d) Enter into an alternative fee agreement with the requestor under RCW 42.56.120(4).

(4) The charges for copying methods used by the commission are summarized in the fee schedule available on the office of the state treasurer's website at <https://tre.wa.gov>.

(5) Before producing public records, the public records officer may require the requestor to pay:

(a) The entire cost in advance of receiving records;

(b) An advance deposit of 10 percent of the estimated fees; or

(c) The payment of the costs of providing an installment before providing that installment.

(6) The public records officer will notify the requestor if fees will be charged and when payment is required.

(7) The commission will deem abandoned and administratively close a request as described in WAC 389-06-080(5) when a requestor fails by the payment date to pay in the manner prescribed.

(8) Payment should be made by check or money order to the office of the state treasurer. The office of the state treasurer prefers not to receive cash, and it is within the public records officer's discretion to determine the denomination of bills and coins that will be accepted.

## NEW SECTION

### **WAC 389-06-100 Exemptions. (1) Records exempt from disclosure.**

Some records are exempt from disclosure, in whole or in part. If the office of the state treasurer believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief written explanation of why the record, or a portion of the record, is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(2) **Protecting the rights of others.** If records to be produced in response to a request contain information that may affect the rights of others, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. The notice to the affected persons may include a copy of the request.

(3) **List of individuals.** The commission is prohibited by statute from disclosing a list of individuals for commercial purposes. The office of the state treasurer will require a commercial purpose declaration prior to disclosing a list of individuals. A copy of the commercial purpose declaration may be provided to individuals named in the records if such individuals are notified as described in subsection (2) of this section.

(a) For the purpose of this subsection, individuals means natural persons; provided, however, that a list that includes natural persons and entities or organizations is considered a list of individuals.

(b) For the purpose of this subsection, commercial purposes means activities of a requestor or their affiliates which are reasonably anticipated to result in the generation of revenue or be done for financial benefit.

#### NEW SECTION

##### **WAC 389-06-110 Review of denials of public records requests.**

(1) Requestors are encouraged to communicate with the public records officer regarding denials of public records requests.

(2) **Petition for internal administrative review.** Any person who objects to the denial or a partial denial of a request for a public record may petition for prompt review of such decision by submitting a written request for review to the public records officer at any of the methods of contact provided in this chapter. The written petition must specifically include the office-assigned request number and a copy of any written statement by the public records officer or other staff member which constituted or accompanied the denial.

(3) **Consideration of petition for review.** Immediately after receiving a written petition for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the treasurer, or the treasurer's designee, who shall consider the matter and either affirm or reverse such denial, or call a special meeting of the commission as soon as practicable to review the denial. In any case, the petition shall be returned with a final decision, within two business days following the receipt of the petition for review, or within such other time as the treasurer or designee and the requestor mutually agree.

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

(5) **Judicial review.** Requestors may obtain court review of denials of public records requests pursuant to RCW 42.56.550.