

Release of Public Records

POLICY

State law requires that identifiable University records must be made available to members of the public for inspection and copying unless exempt from public disclosure. (*RCW 42.56*)

APPLICABILITY

This section provides general procedures for processing requests for all identifiable public records.

Student Records

For detailed information regarding disclosure of student records see *BPPM 90.06*.

Personnel Records

For detailed information regarding disclosure of personnel records see *BPPM 90.07*.

RESPONSIBILITY

University Public Records Officer

The Executive Director of Finance and Administration is the University's Public Records Officer. The University Public Records Officer oversees responses to public records requests made to the University.

Public Records Office

The Finance and Administration—Public Records Office processes, tracks, and responds to all public records requests made to the University. The Public Records Office is located in Information Technology Building 3011, mail code 1225.

Requester

A requester of public records is responsible for providing a clear written description of identifiable public records and forwarding the written request to the Public Records Office. NOTE: The University has no duty to accept automated requests.

A requester is responsible for clarifying their request if such a clarification is requested by the Public Records Officer or designee.

If the requester seeks copies of the records, they are responsible for paying copying and mailing costs involved with the request. The Public Records Office routinely requests prepayment for requests requiring copying and mailing (see [Costs](#)).

If records are not copied, the requester is responsible for not damaging or altering records in any manner during the period provided for viewing.

University Personnel

University personnel must route all requests from the public for public disclosure of University records to the Public Records Office in accordance with the procedures in this section.

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University Personnel (cont.)

NOTE: If a request based upon a court order or subpoena is received, the recipient is to immediately contact the Attorney General's Office; telephone 509-335-2636.

University personnel are responsible for expeditiously responding to requests from the Public Records Office to produce records.

University personnel are responsible for protecting records from damage and disorganization for the retention periods indicated on approved retention schedules (*BPPM* 90.01).

PUBLIC RECORDS DEFINED

A public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function that is prepared, owned, used, or retained by the University, regardless of physical form or characteristics.

Writing

Writing as used above means any form of communication or representation, including but not limited to letters, papers, maps, other communication on paper, as well as communication on e-mail, tape, film, video, magnetic or punched card, disk, sound recording, and computer data.

PROCEDURES

Requesting Records

To initiate a request for access to and/or a copy of public records the requester:

- Completes and submits an online request through the WSU NextRequest system (preferred), at:

wsu.nextrequest.com
- Completes and submits a Public Records Request form. The requester may complete the PDF version form on screen and print the form. Paper copies are also available from the Public Records Office; telephone 509-335-3928.
- Prepares and submits a request letter.

The request should be in writing. (An online request through the WSU NextRequest system is considered to be a written request.) The requester mails, faxes, e-mails, or delivers a paper or PDF request to the Public Records Office. A request is identified as a public records request when the Public Records Office receives it.

The University does not accept requests via social media or voice mail.

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Response

Respond within Five Days

The Public Records Office responds to a request within five business days of receipt of the request in the Public Records Office. The response may take one of the following forms:

- Providing the requested records.
- Denying the request and providing an explanation for the denial.
- Acknowledging the request and providing a reasonable estimate of time within which the Public Records Office will respond to the request. The date may be extended as necessary to accommodate the collection and processing of the records.
- Requesting a clarification of the request.

Reasonable Estimate of Time

When the University receives a public records request, the Public Records Office determines a reasonable estimate of time within which it will respond to the request, factoring in all of the following:

- The nature, volume, and availability of the requested records.
- The amount of time necessary to respond to a particular request. The time needed affects the amount of Public Records and non-Public Record staff time available for responding to other public records requests.
- The impact on essential University functions.

At any time while processing a response, the Public Records Office may provide the requester with a revised reasonable estimate of time within which the University responds to the request. In addition, a revised reasonable estimate of time may be based on any of the following:

- Any unexpected or unforeseen delays encountered during the request processing.
- Additional requests submitted by the same requester while the initial request(s) remain pending.
- Changed circumstances or other considerations ascertained during processing.

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University Review

The Public Records Office locates, requests, and reviews the requested public records. University personnel are to promptly comply with requests for public records from the Public Records Office by gathering all potentially responsive records and forwarding them to the Public Records Office for processing. The office makes determinations regarding exemption from disclosure based upon applicable state and federal statutes.

An employee's failure to provide all responsive records to the Public Records Office may be a violation of the Ethics in Public Service Act. (*RCW 42.52.050*)

In order to provide fullest assistance to all requesters the Public Records Office may allocate specific amounts of time and resources to responding to an individual or grouped request and/or to a particular requester. The Public Records Office may, at any time, revise the estimate based on the criteria described under [Reasonable Estimate of Time](#).

Access

When the records are ready for disclosure, the requester is notified and arrangements are made for access and/or copying.

Installments

When appropriate, the University may respond to requests by providing records on a partial or installment basis. (*RCW 42.56.080, 42.56.120*)

The University may elect to provide records on an installment basis to an individual or grouped request. The Public Records Office provides a reasonable estimate in the initial written response concerning when the first installment will be available, and if possible, a schedule for future installments. The Public Records Office may require a deposit prior to processing the request as provided under [Costs](#).

Denials

If a record is withheld or a portion of a record is concealed (redacted) under an exemption from disclosure, the Public Records Office provides a written index describing the reason for the denial or redaction.

A requester denied access to a public record may appeal the decision to the Public Records Officer. If the Public Records Officer agrees with the denial, the requester may request review by the Office of the Attorney General. (*WAC 504-45-080, RCW 42.56.520, RCW 42.56.530*)

See *BPPM 90.06* for appealing denial of access to student records.

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Inspecting and Copying Public Records

Hours

Public records are available for inspection during regular University business hours only. Requesters are requested to set a prearranged inspection time with the Public Records Office.

Costs

The Public Records Office charges requesters fifteen cents per page for standard photocopies and scans of paper records to PDF, in addition to supply and mailing costs. These charges are intended to recover expenses associated with responding to the request. Prepayment is required before copies of records are mailed or otherwise provided to the requester. For expansive, voluminous, or serial requests, a deposit not to exceed ten percent of the estimated copying or scanning costs may be required by the University.

Abandoned Requests

The University deems a request abandoned in the following circumstances:

- When a requester fails to respond to a Public Records Office request to clarify an individual or grouped request, within 30 days of the request for clarification.
- When a requester has elected to inspect records, an individual or grouped request may be deemed abandoned if:
 - The requester fails to contact the Public Records Office to arrange for the review of the first installment within 30 days of being notified that the installment is available for inspection.
 - The requester misses an appointment to inspect responsive records or any installment of records and fails to contact the Public Records Office to arrange another appointment to inspect within 30 days of the missed appointment.
- When a requester has elected to receive copies of records, an individual or grouped request may be deemed abandoned if:
 - The requester fails to open and download within 30 days copies of responsive records or any installment of records provided to the requester electronically.
 - The requester fails to pick up within 30 days copies of responsive records or any installment of records within 30 days of receiving an invoice for those records.
 - The requester fails to pay a deposit within 30 days of notification by the University that a deposit is required prior to processing a request, as provided under [Costs](#).

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Records Delivery

The primary delivery method is electronic through the University's secure server or by e-mail. Alternative methods of delivery include:

- Inspection
- In-person pick up
- Paper copies
- U.S. Postal Service (USPS) delivery
- Electronic records, including scanned copies, on portable media (e.g., CD, DVD, thumb drive, or portable hard drive)

Due to the potential for introducing an information security threat or otherwise damaging University systems or equipment, the Public Records Office does not allow requesters to attach or insert personal devices or cables into any University computer system, equipment, or USB port. Copying of records from a University system or equipment is done by Public Records Office staff. The requester is charged for the cost of the storage media.

The University is not required to provide records in a particular electronic format.

EXEMPT INFORMATION OR RECORDS

The Public Records Office and the Public Records Officer determine whether or not a public record or portion of a record is exempt from public disclosure. The following classes of normal University records are generally completely or partially exempt from disclosure; however, other exemptions exist which may also apply. Contact the Public Records Office for information regarding exemptions.

Address/Telephone Data And Personal Data

The following information held in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers is exempt from public disclosure.

Employees or Volunteers

- Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, driver's license numbers, identification card numbers, and emergency contact information of employees or volunteers of a public agency.

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Dependents of Employees or Volunteers

- Names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers.

References

See also *BPPM* 90.07. (*RCW* 42.56.230; 42.56.250)

Attorney Advice

Any information that qualifies as attorney/client privileged is exempt from disclosure.

Applications for Public Employment

The names of job applicants, contents of resumes, and other applicant information are exempt from disclosure. (*RCW* 42.56.250)

Investigative Records

Records of active investigation of possible unfair practices under *RCW* 49.60 or of possible violations of other federal, state, or local laws prohibiting discrimination in employment are exempt from public disclosure. (*RCW* 42.56.240; 42.56.250)

Library Records

Library circulation records which disclose or could be used to disclose the identity of a library user are exempt from public disclosure. (*RCW* 42.56.310)

Lists for Commercial Purposes

The University does not have the authority to give, sell, or provide access to lists of individuals that are requested for commercial purposes. (*RCW* 42.56.070)

Personal Financial Information

Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial numbers supplied to the University are exempt from public disclosure, except when disclosure is expressly required by law. (*RCW* 42.56.230)

Personal Student Information

See *BPPM* 90.06.

Preliminary Drafts (Deliberative Process)

Preliminary drafts, notes, and recommendations in which opinions are expressed or policies are formulated or recommended may be exempt from public disclosure. A specific record is not exempt when that record is publicly cited by the University in connection with some University action. (*RCW* 42.56.280)

A specific record is not exempt if it contains factual information or data only. Placing the word "draft" on a document does not necessarily cause the document to be exempt under this exemption.

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Preliminary Drafts (cont.)

NOTE: Record holders may dispose of preliminary drafts in conformance with the All-University Records Retention Schedule (*BPPM 90.01*). Usually, such drafts may be discarded once a replacement draft has been created or the final draft approved, however, a pending public records request, audit, or legal action supersedes the retention schedule.

Pretrial Records

Records relating to a controversy to which the University is a party are exempt from public disclosure if the records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts. (*RCW 42.56.290*)

Research Data

Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by the University when disclosure would produce private gain and public loss must be protected. This exemption applies to data obtained within five years of the request for disclosure. (*RCW 42.56.270*)

Tests

Test questions, scoring keys and other examination data used to administer any examination are exempt from disclosure. (*RCW 42.56.250*)

Witnesses, Crime Victims, Complainants

Personally identifiable information may not be disclosed if disclosure endangers any person's life, physical safety, or property. (*RCW 42.56.240*)