

Public Access to ESD 112 Records

Mindful of the right of individuals to privacy and of the desirability of efficient administration of the ESD, full access to records concerning the administration and operations of the ESD shall be afforded to the public as provided by the State of Washington Public Disclosure Law. Chapter 42.17 RCW

Educational Service District (ESD) 112's public records officer is the Assistant Superintendent of School and Agency Operations (S&AO) located in the administrative office of ESD 112 located at 2500 NE 65th Ave., Vancouver, WA 98661-6812, phone 360-750-7500, fax 360-750-9836. The public records officer shall be responsible for implementation of the ESD's rules and regulations regarding release of public records and generally ensuring compliance by staff with the public records disclosure requirements in chapter [42.17](#) RCW.

Access to public records from ESD 112 shall be provided in compliance with the provisions of RCW [42.17.260](#).

Requests for public records must comply with the following procedures:

1. A request shall be made in writing to the public records officer or designee. The request may be brought to the ESD 112 administrative office during customary office hours or may be mailed, delivered by facsimile, or by electronic mail. 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. An appropriate description of the record requested shall be provided.
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, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

ESD 112 reserves the right to determine that a public record requested in accordance with subsection (3) of this section is exempt under the provisions of RCW [42.17.310](#) and [42.17.315](#). Such determination may be made in consultation with the public records officer, an assistant attorney general assigned to ESD 112, or independent legal counsel selected by ESD 112.

Pursuant to RCW [42.17.260](#), ESD 112 reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy: Provided, however, in each case, the justification for the deletion shall be explained fully in writing.

Response to requests for a public record must be made promptly. Within five business days of receiving a public record request, the public records officer shall respond by either:

- a. Providing the record;

- b. Acknowledging that ESD 112 has received the request and providing a reasonable estimate of the time required to respond to the request; or
- c. Denying the public record request.

Stating additional time is required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the public records officer may ask the requester to clarify what information the requester is seeking. If the requester fails to clarify the request within five working days of being asked for said clarification, the public records officer need not respond to it.

All denials of request for public records must be accompanied by a written statement, signed by the public records officer or designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.

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 which constituted or accompanied the denial.

The written request by a person petitioning for prompt review of a decision denying a public record shall be submitted to public records officer or designee.

Within two business days after receiving a written request by a person petitioning for a prompt review of a decision denying a public record, the public records officer or designee shall complete such review.

During the course of the review the public records officer or designee shall consider the obligations of ESD 112 to comply fully with the intent of chapter [42.17](#) RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW [42.17.310](#) through [42.17.315](#), and the provisions of the statute which require ESD 112 to protect public records from damage or disorganization, prevent excessive interference with essential functions of ESD 112, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

Public records and a facility for their inspection will be provided by the public records officer or designee. Such records shall not be removed from the place designated for their inspection. Copies of such records may be arranged for according to the provisions below.

No fee shall be charged for the inspection of public records. ESD 112 may impose a charge for providing copies of public records and for the use by any person of agency equipment to copy public records. Copying charges shall be reasonable and conform with RCW [42.17.300](#). No person shall be provided with a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate official. All charges must be paid by money order, check, or cash in advance.

Public records shall be available for inspection and copying during the customary office hours of the administrative office of ESD 112. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday,

excluding legal holidays and dates of official ESD 112 business requiring executive staff to be away from the office.

As taken from WAC 180-08-006

Legal References:

RCW 40.14 RCW Preservation and Destruction of Public Records.

RCW 42.56 RCW – Public Records Act.

45 CFR Part 160 – 164-Subpart E-Privacy of Individually Identifiable Health Information.

WAC 180-08-006 Public records officer—Access to public records—Requests for public records—Determination regarding exempt records—Review of denials of public record requests—Protection of public records—Copying—Office hours.

WAC Chapter 44-14 Public Records Act - Model Rules.

20 U.S.C. 1232g Federal Education Rights Privacy Act (FERPA).

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