1.0 Public Records Disclosure Objectives and Responsibilities

The purpose of the Public Records Disclosure Policy and Procedure is to ensure Columbia Basin College's (CBC or the College) full compliance with Washington's Public Records Act (the Act) pursuant to Chapter 42.17 RCW. [Note: Effective July 1, 2006, the Public Records law will be moved to Chapter 42.56 RCW]. In accordance with the Act, the College will provide the public full access to information concerning the conduct of the College, mindful of individuals' rights and the desirability of the efficient administration of CBC. The College, in carrying out its responsibilities under the Act, will be guided by the provisions of the Act describing its purposes and interpretation.

2.0 Definitions

2.1 Public Record: any writing containing information relating to the conduct of the government or the performance of any governmental or proprietary function prepared, owned, used or retained by the agency. Public records are not interrogatories and therefore the College is not required to conduct legal research for a requestor.

2.2 Writing: a "public record" can be any writing "regardless of physical form or characteristics. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. RCW 42.17.020 (48).

2.3 Identifiable Record: is one that CBC personnel can reasonably locate.

3.0 Public Records Officer

The public records officer, designated by the College President, is the Vice President of Human Resources & Legal Affairs and will oversee compliance with the Public Records Act and be in charge of the College's public records. The public records officer shall be responsible for:

3.1 Implementation of the College's rules and regulations regarding release of public records;
3.2 Coordinate with his/her designee to process such requests;
3.3 Generally ensuring compliance by the staff with the public records disclosure requirements of Chapter 42.56 RCW.

4.0 Public Records Availability

RCWs 42.17.260(1) and 42.17.070 (1) require each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. All non-exempt public

records of the College are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by Chapter 42.56 RCW.

A requestor has a duty to request identifiable records, inspect the records or pay for the copies and be respectful of CBC's staff. The Public Records Act does not allow a requestor to search through the Colleges' files for records which cannot be reasonable identified or described to the College. The College is not obligated to create a new record to satisfy a public records request nor does it have a duty to explain the meaning of public records.

4.1 **Hours of Inspection**

4.1.1 Public records are available for inspection and copying during normal business hours of the College, Monday through Friday, 7:30 a.m. – 4:30 p.m., excluding legal holidays. Records must be inspected at the Human Resources Office.

4.1.2 No fee shall be charged for the inspection of public records.

4.2 **Making A Request**

Any person wishing to inspect or copy public records, should make the request in writing on the "Request for Public Records" located on-line at www.columbiabasin.edu or the Human Resources Office, or by letter or fax and include the following information:

4.2.1 Name of Requestor;
4.2.2 Address of Requestor;
4.2.3 Telephone and any e-mail address;
4.2.4 Identification of the public records adequate for the public records officer or designee to locate the record(s); and
4.2.5 Date and time of the request
4.2.6 Identify if the information requested is for commercial use.

Washington's public disclosure laws under RCW 42.56.520 requires the College, within five (5) days, to respond to each public disclosure request by:

4.3 Making the records available for inspection and copying (payment for the copies must be made prior to receipt of copies requested);
4.4 Providing a reasonable estimate of when records will be available; or
4.5 If the request is unclear or does not sufficiently identify the requested records, the public records officer or designee will request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or
4.6 Denying the request (the basis for denial will be provided).

The requestor must claim or review the assembled records within thirty (30) days of the College's notification to him or her that the records are available for inspection or copying. CBC will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the College to make arrangements to claim or review the records.

5.0 Copying

No fee shall be charged for locating public documents and making them available for copying. The College charges twenty-five cents ($.25) per page for a standard black and white photocopy of a record selected by a requestor. Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten (10) percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the

payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. CBC will not charge sales tax when it makes copies of public records.

6.0 Exemptions

6.1 The College reserves the right to determine that a public record requested in accordance with the procedures outlined above is exempt under the Act and applicable Washington Administrative Code provisions. In addition, the College reserves the right to delete identifying information or details when it makes available or provides any public record in any case when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by Chapter 42.17 RCW.

6.2 Educational records protected by the federal Family Educational Rights and Privacy Act are exempted from release. Educational records mean those records, files, documents, and other materials which contain information directly related to a student, including records regarding the employment of a student when such employment is a result of, and directly related to, student status. Educational records can only be obtained by the student, by presentation of a release signed by the student, or a subpoena.

6.3 The following is a non-exhaustive list of exemptions provided by law:

6.3.1 Privacy: the disclosure of information that:
- 6.3.1.1 Would be highly offensive to a reasonable person, and
- 6.3.1.2 Is not of legitimate concern to the public

6.3.2 Commercial use

6.3.3 Attorney-client privilege

6.3.4 Deliberative process

6.3.5 Trade Secrets

6.3.6 Personal Information
- 6.3.6.1 Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;
- 6.3.6.2 Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;
- 6.3.6.3 Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (a) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer; and
- 6.3.6.4 Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

6.3.7 Investigative, law enforcement & crime victims:
- 6.3.7.1 Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;
- 6.3.7.2 Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or

nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

6.3.7.3 Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

6.3.7.4 License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies; and

6.3.7.5 Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

6.3.8 Employment & Licensing

6.3.8.1 Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;

6.3.8.2 All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

6.3.8.3 The residential addresses or residential telephone numbers of employees or volunteers of a public agency that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency;

6.3.8.4 Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed;

6.3.8.5 Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment; and

6.3.8.6 Except as provided in RCW 47.64.220, salary and employee benefit information collected under RCW 47.64.220(1) and described in RCW 47.64.220(2).

6.3.9 Financial, commercial and proprietary information

6.3.10 Preliminary drafts, notes, recommendations, intra-agency memorandum

6.3.11 Agency party to controversy

6.3.12 Library records

6.3.13 Educational information

6.3.14 Public Utilities & Transportation

6.3.15 Health Professionals

6.3.16 Health Care

6.3.17 Employment Security Department records

6.3.18 Correctional industries workers