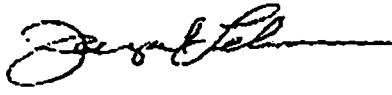
 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY DIRECTIVE</b></p> <p><input checked="" type="checkbox"/> Offender Manual <input type="checkbox"/> Spanish</p>	DEPARTMENT WIDE		NUMBER DOC 280.510
	SIGNATURE 	DATE	EFFECTIVE DATE 6/20/01
	JOSEPH D. LEHMAN, SECRETARY		PAGE NUMBER 1 of 4
TITLE <b>PUBLIC DISCLOSURE OF RECORDS</b>			

**SUPERSESION:**

DOC 280.510 effective 3/12/01

**REFERENCES:**

DOC 100.100 is hereby incorporated into this Policy Directive; RCW 4.24.550; RCW 9.94A; RCW 9.94A.030; RCW 10.97; RCW 40.24, RCW 42.17; RCW 70.02, 24, 28; RCW 96A.150; RCW 71.05.09; WAC 137-08, 70; WAC 248-100; WAC 275-55-020; ACA 3-4095; Governor's Executive Order 00-03; DOC 590.500 Legal Access for Offenders; DOC 640.020 Offender Health Record Management; DOC 804.005 Personnel Files; FBI Order 556-73

**POLICY:**

- I. The Department shall establish a process for the Department to respond to requests for the disclosure of *public records* pursuant to RCW 42.17. This Policy Directive does not apply to discovery requests made in conjunction with litigation, subpoenas, or other legal pleadings.
- II. The handling, maintenance, and privacy of *public records* shall meet the requirements of RCW 42.17, RCW 10.97, WAC 137-08, and Governor's Executive Order 00-03.
- III. All *public records* shall be made available for public inspection and copying unless the records are exempt under federal or state law; or providing facilities for copying would unreasonably disrupt the operations of the Department; or inspection would excessively interfere with essential functions of the Department.
- IV. Non-disclosure of material may only occur per statutory exemptions.

**DIRECTIVE:**

- I. Responsibility
  - A. The Public Disclosure Administrator (PDA), located in the Office of Administrative Services (OAS) Contracts, Rules, and Disclosure Section shall:
    1. Coordinate the appropriate response to *public records* requests through designated Public Disclosure Coordinators (PDC);
    2. Ensure Department wide procedures for processing requests for *public records* and a public disclosure manual are up-to-date;

**ATTACHMENT B**

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3. Provide training to Department designated staff, in conjunction with the Attorney General's (AG) Office;
4. Coordinate with the AG's Office as needed;
5. Act as the Department's final level Appeals Officer per RCW 42.17.130; and
6. Maintain a current list of PDCs.

B. PDCs shall be designated as follows:

1. For each prison and pre-release by the Superintendent;
2. For each region by the Regional Administrator (RA);
3. For the Office of Correctional Operations (OCO) Headquarters by the OCO Deputy Secretary;
4. For the Office of Administrative Services (OAS) Headquarters by the OAS Deputy Secretary; and
5. For the Office of the Secretary (OS) by the Secretary.

C. The PDCs shall:

1. Be responsible for the implementation of the public disclosure procedure or refer the request as appropriate.
2. Update local procedures for processing requests for *public records* and maintain an updated public disclosure manual.
3. Attend statewide training and provide training to appropriate staff in their local area.
4. Coordinate with the PDA, other PDCs, AG's Office, and others involved in the disclosure process as needed.
5. Track the receipt and disposition of public disclosure requests.

II. Public Disclosure Requests

- A. All requests for *public records* shall be made in writing, which includes FAX, electronic mail, or DOC 05-086 Request for Disclosure of Records to the designated PDC. The request shall include the following information:
1. Name and return address of the person requesting the record;
  2. The date of the request;
  3. The specific documents requested; and

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4. Whether those specific *public records* have previously been or are currently being requested from the Department by the requestor, and if so, when and to whom the request was submitted.

B. Offender requests for copies of *public records*, other than their central file, shall be made in writing to the PDC at the facility where they are incarcerated or the region in which they are supervised. Offenders should complete DOC 05-066 Request for Disclosure Records.

C. An offender may request to inspect his/her central file by completing and submitting DOC 05-066 Request for Disclosure Records to the facility/local Records Unit. The review will be accomplished in the presence of designated staff in a timely manner.

D. Incarcerated offender requests to examine or obtain a copy of information in his/her health record shall be handled per DOC 640.020 Offender Health Record Management.

### III. Responding to Requests

A. Within 5 business days of receipt of a request, Department staff shall respond in writing by:

1. Providing the record through either inspection or copying; or
2. Acknowledging receipt of the request and providing a reasonable estimate of the time needed to respond; or
3. Denying the request. The Department's response denying, in whole or in part, the request shall identify any record withheld and shall include a statement of the specific exemption authorizing the withholding of the record, or any part, and a brief explanation of how the exemption applies to the specific record withheld; or
4. Acknowledging the receipt of a *public records* request that is unclear, and asking the requestor to clarify the information the requestor is seeking. If the requestor fails to clarify the request, the Department need not respond further.

B. Additional time may be needed for the Department to respond to a request based on the need to:

1. Clarify the request;
2. Locate and assemble the records requested;
3. Notify third persons affected by the request; or
4. Determine whether any of the records, or any part, are exempt from disclosure.

C. After compiling records in response to a request, Department staff shall notify the requestor of the exact copying charges for the requested records. Copying charges

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are specified in WAC 137-08-110. Payment must be received in the form of a check, money order, or an offender transfer fund form before the copies will be sent.

- D. No fee shall be charged for the inspection of *public records* or for locating *public records*.
- E. With the exception of offender central file requests, all responses to *public records* provided in response to *public records* requests made by incarcerated offenders shall be mailed to the requestor through the United States mail. Per RCW 42.17.270 and RCW 42.17.290, incarcerated offenders shall not be permitted to inspect public records except for:
  - 1. Their own central file, and
  - 2. Their own health care record as provided in section II.D of this policy.
- F. Requests by incarcerated offenders for copies of legal pleadings and exhibits being submitted to the court and opposing party regarding current conviction, conditions of confinement, and/or challenges to the offender's sentence shall be handled per DOC 590.500 Legal Access for Offenders.

#### IV. Appeal Process

- A. If the requestor disagrees with a decision to deny the request, or any part, the requestor may appeal to the PDA for review of the decision. The PDA shall review the appeal and affirm or reverse the denial within 2 business days following receipt of the appeal.
- B. Final agency action for the purposes of judicial review shall not be considered to have occurred until the PDA has rendered his/her decision on the appeal or until the close of the second business day following receipt of the appeal, whichever occurs first.
- C. Any further appeal shall be made to the Superior Court per RCW 42.17.340.

#### DEFINITIONS:

The following words/terms are important to this Policy Directive and are italicized and defined in the Glossary section of the Policy Directive Manual: *Public Record*. Other words/terms appearing in this Policy Directive may also be defined in the Glossary.

#### ATTACHMENTS:

None

#### DOC FORMS (See Appendix):

DOC 05-066 Request for Disclosure Records



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

REQUEST FOR DISCLOSURE OF RECORDS

Date of Request: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

- I request to inspect my central file.
- This request has been previously submitted or is currently with the Department.

Date of Original Request: \_\_\_\_\_

Original Request Submitted To: (Name / Address) \_\_\_\_\_

- I request copies of the following public records. If requesting offender records, include offender name and DOC number.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

SIGNATURE OF REQUESTER

DATE

DOC STAFF - FILL OUT BELOW

Person Receiving Request: _____	Date: _____
PDC (or designate person responding to request): _____	Date: _____
Response Sent: _____	Date: _____
Further Response(s) _____	Date: _____
_____	Date: _____
_____	Date: _____
_____	Date: _____
_____	Date: _____

137-08-070

## Title 137 WAC: Corrections, Department of

(Statutory Authority: RCW 10.97.080 and 42.17.320. 86-10-010 (Order 86-05), § 137-08-060, filed 4/29/86. Statutory Authority: RCW 10.97.080, 42.17.250 and 72.01.090. 85-13-020 (Order 85-06), § 137-08-060, filed 6/10/85. Statutory Authority: RCW 42.17.250. 82-04-023 (Order 82-3), § 137-08-060, filed 1/26/82.)

**WAC 137-08-070 Public disclosure officer.** The department shall designate a public disclosure officer, located in the state administrative office, who shall be responsible for implementing the department's rules regarding disclosure of public records, coordination of staff in this regard, and generally insuring compliance by the staff with public records disclosure requirements.

(Statutory Authority: RCW 10.97.080 and 42.17.320. 86-10-010 (Order 86-05), § 137-08-070, filed 4/29/86. Statutory Authority: RCW 42.17.250. 82-04-023 (Order 82-3), § 137-08-070, filed 1/26/82.)

**WAC 137-08-080 Public disclosure coordinator.** Each departmental administrative unit, for example, each institution, shall designate from among its employees at least one public disclosure coordinator, who shall:

(1) Have responsibility to respond to written requests for disclosure of the department's nonexempt public records located in that office; and

(2) Refer the person requesting disclosure to any other office where the record is located, and assist further in the disclosure process; and

(3) Verify, if necessary, the identity of any person requesting information.

(Statutory Authority: RCW 42.17.250. 82-04-023 (Order 82-3), § 137-08-080, filed 1/26/82.)

**WAC 137-08-090 Request for public records.** (1) Unless waived by a public disclosure coordinator, all requests for the disclosure of a public record must be in writing identifying the record sought with reasonable certainty. The written request may include:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request is made, and;

(c) The nature of the request.

(2) A request for disclosure shall be made during customary business hours.

(3) If the public record contains material exempt from disclosure pursuant to law, including those laws cited in WAC 137-08-150, the department must provide the person requesting disclosure with a written explanation for the non-disclosure, pursuant to WAC 137-08-130.

(4) Any person continuing to seek disclosure, after having received a written explanation for nondisclosure pursuant to WAC 137-08-130, may request a review under the provisions of WAC 137-08-140.

(5) When a person's identity is relevant to an exemption, that person may be required to provide personal identification.

(6) Nothing in this section or elsewhere in this chapter shall be construed to require the department to compile statistics or other information from material contained in public records, where doing so would unduly interfere with other essential functions of the department and is not required for litigation by rules of pretrial discovery.

(Title 137 WAC—p. 4)

(Statutory Authority: RCW 42.17.250. 82-04-023 (Order 82-3), § 137-08-090, filed 1/26/82.)

**WAC 137-08-100 Disclosure to client's representative.** (1) If a client requests disclosure to a representative, that request must be accompanied by a written release signed by the client, except that, as an accommodation to the client and if the legislator or attorney representing the client can provide assurance that the client has authorized disclosure, the client's record may be briefly discussed with that legislator or attorney so long as there is neither physical inspection nor copying of client records by that representative. A written release must include:

(a) The identity of the person(s) or organization(s) to whom disclosure is to be made;

(b) An identification of the record, or portion thereof, to be disclosed;

(c) A statement of when the authorization for disclosure expires.

(2) Disclosures of information to a representative shall be made to the same extent as to the client.

(3) The legal guardian of a client has any and all rights accorded to a client by this section.

(Statutory Authority: RCW 42.17.250. 82-04-023 (Order 82-3), § 137-08-100, filed 1/26/82.)

**WAC 137-08-105 Correction of erroneous information.** (1) A client may challenge the accuracy or completeness of criminal history record information, as defined in chapter 10.97 RCW, pertaining to the client and maintained in the department's files. Such challenge shall be effected in accordance with chapter 446-20 WAC.

(2) A client may challenge the accuracy and completeness of information in the department's files pertaining to the client other than criminal history record information. Such challenge shall be effected in accordance with department policies and procedures.

(Statutory Authority: RCW 10.97.080, 42.17.250 and 72.01.090. 85-13-020 (Order 85-06), § 137-08-105, filed 6/10/85.)

**WAC 137-08-110 Fees—Inspection and copying.** (1) No fee shall be charged for the inspection of public records.

(2) The department shall collect a fee of twenty cents per page plus postage to reimburse itself for the cost of providing copies of public records.

(3) Nothing contained in this section shall preclude the department from agreeing to exchange or provide copies of manuals or other public records with other state or federal agencies, whenever doing so is in the best interest of the department.

(4) The secretary of the department or his designee is authorized to waive any of the foregoing copying costs.

(Statutory Authority: RCW 10.97.080, 42.17.250 and 72.01.090. 85-13-020 (Order 85-06), § 137-08-110, filed 6/10/85. Statutory Authority: RCW 42.17.250. 82-04-023 (Order 82-3), § 137-08-110, filed 1/26/82.)

**WAC 137-08-120 Protection of public records.** Public records shall be disclosed only in the presence of a public disclosure coordinator or his or her designee, who shall withdraw the records if the person requesting disclosure acts in a

(2001 Ed.)

ATTACHMENT **A**