



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 21, 2018

TIME: 9:16 AM

WSR 19-02-018

Agency: Department of Social and Health Services, Services and Enterprise Support Administration

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The department is amending WAC 388-01-020 "How is DSHS organized?", WAC 388-01-030 "What public records are available?", and WAC 388-01-060 "How may an individual request a public record?" to update an outdated hyperlink and correct two typographical errors .

Citation of rules affected by this order:

New: None
Repealed: None
Amended: WAC 388-01-020, WAC 388-01-030, WAC 388-01-060
Suspended: None

Statutory authority for adoption: RCW 42.56.040, chapter 42.56 RCW

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-18-082 on September 4, 2018 (date).
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	<u>3</u>	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>3</u>	Repealed	___

Date Adopted: December 20, 2018

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 18-05-021, filed 2/9/18, effective 3/12/18)

WAC 388-01-020 How is DSHS organized? (1) DSHS's current organizational structure can be located at the following link: (~~https://www.dshs.wa.gov/strategic-planning/organizational-chart~~) <https://www.dshs.wa.gov/office-of-the-secretary/organizational-chart>.

(2) You may also request organizational charts by writing to:

DSHS, office of the secretary
P.O. Box 45010
Olympia, WA 98504-5010.

AMENDATORY SECTION (Amending WSR 18-05-021, filed 2/9/18, effective 3/12/18)

WAC 388-01-030 What public records are available? (1) DSHS prepares and keeps public records that relate to the programs it administers. All records DSHS uses to conduct business are public records.

DSHS public records may include documents, audio and video recordings, pictures, email, computer disks, and electronic data.

(2) DSHS public records are available to the public unless a law exempts them from disclosure. Some DSHS records are confidential and not available to everyone. Records exempt from public disclosure are listed under chapter 42.56 RCW, (~~{WAC 388-01-020,}~~) WAC 388-01-120, and other federal and state laws applicable to DSHS.

(3) Clients, or someone authorized to act for a client, may access confidential records about the client that are exempt from disclosure to the public unless specifically prohibited by law.

(4) Upon request, DSHS may provide access to records such as rules, policies, indexes, interpretive statements, pamphlets, forms, and other publications at cost under WAC 388-01-180 without using the public records request process.

AMENDATORY SECTION (Amending WSR 18-05-021, filed 2/9/18, effective 3/12/18)

WAC 388-01-060 How may an individual request a public record?

(1) An individual may request a public record orally or in writing. DSHS prefers that all public record requests be in writing on the "request for DSHS records" form, DSHS 17-041(X). Individuals may locate this form on the DSHS website at <https://www.dshs.wa.gov/fsa/forms> or request it from:

DSHS public records officer
Services and enterprise support administration
Information governance unit
P.O. Box 45135
Olympia, WA 98504-5135
Telephone: (360) 902-8484
Fax: (360) 902-7855

Email: DSHSPublicDisclosure@dshs.wa.gov.

(2) If an individual does not use the DSHS form, the written public record request should include the following information:

(a) The requester's name, organization, mailing address, telephone number, fax number, and email address;

(b) The date of the request;

(c) A detailed description of the identifiable public record being requested;

(d) The email or mailing address where DSHS should send copies of the records, or if the requester wants to inspect the record at DSHS; and

(e) The requester's signature.

(3) An individual may fill out a record request at a DSHS office or send it by regular mail, email, or fax to the public records officer listed in WAC 388-01-050.

(4) Requests by third parties for confidential client records must be accompanied by a valid authorization as set forth in WAC 388-01-150.

(5) DSHS may ask an individual requesting a public record for personal identification when the law makes a record disclosable to a specific person.

(6) DSHS may deny a "bot" request, which is one of multiple requests from a requester within a twenty-four (~~{hour}~~) hour period, if responding to multiple requests would cause excessive interference with other essential DSHS functions.