

NEW SECTION

WAC 484-50-001 How is DVA organized? (1) WDVA is organized into the following areas:

- (a) Veterans homes;
- (b) Veterans services;
- (c) Counseling and wellness;
- (d) Cemetery; and
- (e) Administration.

(2) Additional information on agency organization and operation is available at <https://www.dva.wa.gov/about-wdva/about-us> or by writing:

WDVA Communications Office
P.O. Box 41150
Olympia, WA 98504

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-50-005 (~~Disclosure~~) How do I request and inspect public records? (1) All public records of the department of veterans affairs are available for public inspection and copying from 9:00 a.m. - 12:00 p.m. and 1:30 p.m. - 4:30 p.m. Monday through Friday, excluding legal holidays, pursuant to these rules except as otherwise provided in chapter 42.56 RCW ((42.17.310 and WAC 484-50-010.

~~(2) Requests for any identifiable public record may be initiated at the headquarters of the department of veterans affairs, in Olympia), other applicable laws, and these rules.~~

(2) The public records officer for WDVA shall be responsible for responses to requests for public records. Requests for public records shall be submitted to the WDVA public records officer using the following contact information:

WDVA Public Records Officer
P.O. Box 41150
Olympia, WA 98504

Phone: 1-800-562-2308 (ask for the public records officer)

Additional contact information is available via the WDVA website at www.dva.wa.gov search "Public Disclosure".

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-50-010 (~~Exemptions~~) What if the public record contains information that is exempt from public disclosure? ~~((1) The department of veterans affairs reserves the right to determine that a public record requested is exempt under the provisions of RCW 42.17.310 or federal or other state laws and regulations.~~

~~(2) Pursuant to RCW 42.17.260, the department of veterans affairs reserves the right to delete identifying details when it makes available or publishes any public record, in any case in which there is reason to believe that disclosure of such details may be unreasonable in-~~

~~vasion of personal privacy. The public records officer shall fully justify such deletion in writing.)~~ (1) Public records and information may be exempt from disclosure or production under chapter 42.56 RCW or other state or federal laws. Commonly applicable exemptions include, but are not limited to, the following:

(a) Under RCW 42.56.230(1), personal information in files maintained for WDVA clients. Personal information includes, but is not limited to:

- (i) Names;
- (ii) Telephone numbers;
- (iii) Fax numbers;
- (iv) Email addresses;
- (v) Social Security numbers;
- (vi) VA claim numbers;
- (vii) VA disability percentages;
- (viii) DOD type of military separation, characterization of service, narrative reason for separation, reentry code, separation code;
- (ix) Account numbers;
- (x) Certificate or license numbers;
- (xi) Vehicle identifiers and serial numbers, including license plate numbers;
- (xii) Device identifiers and serial numbers;
- (xiii) Web universal resource locators (URLs);
- (xiv) Internet protocol (IP) address numbers;
- (xv) Biometric identifiers, including finger and voice prints;
- (xvi) Full face photographic images and any comparable images;
- (xvii) Any other unique identifying number, characteristic, or code;

(xviii) All geographic subdivisions smaller than a state, including street address, mailing address, city, county, precinct, geocodes, and zip code, except for the initial three digits of a zip code; and

(xix) All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death.

(b) Under chapter 70.02 RCW and related federal laws, protected health care information and medical records.

(c) Under RCW 42.56.230(3), personal information in files maintained for WDVA employees or elected officials to the extent that disclosure would violate their right to privacy.

(d) Under RCW 42.56.230(5), credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information as defined in RCW 9.35.005 including Social Security numbers, except when disclosure is expressly required by or governed by other law.

(e) Under RCW 42.56.250, the following information from personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency:

- (i) Residential addresses;
- (ii) Residential phone numbers;
- (iii) Personal wireless telephone numbers;
- (iv) Personal email addresses;
- (v) Social Security numbers;
- (vi) Driver's license numbers;
- (vii) Identocard numbers;
- (viii) Emergency contact information; and

(ix) Names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, Social Security numbers, and emergency contact information of dependents of employees or volunteers of a public agency.

(f) Under RCW 42.56.235, records that relate to or contain personally identifying information about an individual's religious beliefs, practices, or affiliation.

(g) Effective July 1, 2020, agency employee records described under RCW 42.56.660.

(h) Effective July 1, 2020, lists of state agency employee names under RCW 42.56.675.

(i) Under RCW 42.56.640 and 43.17.410, sensitive personal information of vulnerable individuals and in-home caregivers for vulnerable populations, except as allowed under subsection (3) of this section.

(2) If the requested public record contains information that is exempt from public disclosure, WDVA may:

(a) As appropriate, release the nonexempt portion, explaining what exemptions apply to redacted portions of the record;

(b) As appropriate, deny release of the entire record, sending a written explanation and citing the exemption that applies to the denial; or

(c) Neither confirm or deny the existence of the requested records and provide the legal basis for confidentiality as if the responsive records existed, when a denial would reveal information that is confidential and must not be disclosed.

(3) Sensitive personal information under subsection (1)(i) of this section may be disclosed or produced if WDVA determines that the requestor:

(a) Meets the criteria under RCW 42.56.645; and

(b) Has complied with any procedures developed by WDVA to protect the confidentiality of the information.

NEW SECTION

WAC 484-50-020 Does WDVA charge for inspecting or providing public records? (1) There is no fee for inspecting public records.

(2) Pursuant to RCW 42.56.120 (2)(b), WDVA does not calculate the actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) WDVA does not have the resources to conduct a study to determine all of its actual copying costs; and

(b) To conduct such a study would interfere with other essential agency functions.

(3) WDVA may do one or more of the following:

(a) Charge for copies of records according to the default fees in RCW 42.56.120 (2)(b), (c), and (d);

(b) Charge for customized services pursuant to RCW 42.56.120(3);

(c) Charge other copy fees authorized by statutes outside of chapter 42.56 RCW;

(d) Enter into an alternative fee agreement with a requestor under RCW 42.56.120(4).

(4) WDVA may waive copying fees in one or more of the following circumstances:

(a) Clients receiving the first copy of their file;

- (b) Producing records assists in managing a program;
- (c) The expense of billing exceeds the cost of producing records.

NEW SECTION

WAC 484-50-030 If a public record identifies or pertains to an individual or organization, other than the requestor, is that individual or organization notified? (1) If records responsive to a public records request identify or pertain directly to an individual or organization other than the requestor, WDVA may notify the named individual or organization about the request.

(2) WDVA's third-party notice may include:

(a) A copy of the original request;

(b) If appropriate, the records that identify or pertain to the third party;

(c) The date WDVA intends to release the record; and

(d) A statement that the third party may prevent release of the record by agreement or by bringing a lawsuit and getting an injunction against WDVA and the requestor under RCW 42.56.540 prior to the intended release date.

(3) WDVA may inform the requestor that:

(a) A third party has been notified of the request;

(b) WDVA provided the third party with a due date for objecting to disclosure; and

(c) In the absence of an agreement with the requestor, the third party may bring a lawsuit against the requestor and WDVA under RCW 42.56.540 to stop disclosure.