



**WASHINGTON'S LOTTERY  
POLICY/PROCEDURE  
NO. 110-017  
PUBLIC RECORDS REQUEST**

**Subject:** Public Records Request

**Information Contact:** Jana Jones, Director of Legal Services  
Washington's Lottery  
(360) 664-4833

**Authorizing Source:** Executive Order 00-03 - Public Records Privacy Protections  
RCW 34.05.542(3) - Time for Filing Petition for Review  
RCW 42.56.040 - Public Records  
Chapter 315-12 WAC - Public Records Disclosure  
POL 110.023 - Protecting Research Respondent Information  
POL 140.005 - Protecting Personal Information of  
Players/Claimants, Research Respondents, Retailers and  
Vendors

**Effective Date:** April 13, 2007

**Approved By:** Bill Hanson, Director \_\_\_\_\_

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**Purpose:**  
This policy establishes guidelines for responding to requests for public records.

**Scope:**  
This policy applies to all Washington's Lottery employees and its' customers.

**Additional Guidance:**  
Washington State's public disclosure laws require public agencies to disclose all records unless there is a specific exemption prohibiting disclosure. Public agencies, officials, and employees are protected from liability arising from the release of records if the agency, official, or employee acted in good faith in attempting to comply with the provisions of Chapter 42.56 RCW.

As recognized in RCW 42.56.100, agencies have an obligation to protect public records from damage or disorganization, and to prevent excessive interference with essential functions of the agency while providing access to the public.



## **Definitions:**

**Personally Identifiable Information** - Information that can be associated with a particular individual through one or more identifiers or other information or circumstances. This normally includes information such as name, address, Social Security number, driver's license number, e-mail address, and telephone number.

**Public Record** - Per RCW 42.17.020(41), "'Public Record' includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristic." NOTE: A document may be a public record even though it is not in the possession of the Lottery, but is owned by the Lottery. A writing containing information may be public record even though it is not on paper, but is retained in electronic form. See Chapter 42.56 RCW for exemptions and WAC 315-12-020 for more information regarding the definition of public record. Employees may also consult with the Public Records Officer (PRO) for clarification.

## **Policy:**

Washington's Lottery processes requests for public records in accordance with Chapter 42.56 RCW and Title 315 WAC.

## **Requesting Access**

Requests for public record may be made in writing, through an electronic medium such as email, fax, telephone, or may be made orally. The public may utilize the "Request for Public Record" form (LOT A-41 -- Attachment A) when making a written request, and must sufficiently describe the public record so it is identifiable by the Lottery. All public records requests must be for a specific identifiable record.

**NOTE:** The completed form may be submitted via fax.

## **Releasing/Providing Access**

The Lottery shall release or provide access if the request is for a document that meets the definition of a public record, is not exempt from disclosure under Chapter 42.56 RCW, and is not otherwise prohibited from release.

If the PRO receives a request to disclose personally identifiable information, and he/she believes disclosure is required by law, the PRO notifies the individual of the request and his/her right to seek a restraining order from Superior Court. The restraining order must be obtained within 10 days of receiving notification of the request.

**NOTE:** Under the Public Records Act, winner information that is subject to disclosure is limited to name, city and prize amount. Other information is not disc losable if it is considered an unreasonable invasion of privacy, which has no legitimate purpose. Under this definition, Social Security numbers, addresses and phone numbers are considered non-disc losable.



**NOTE:** The Lottery does not release or provide access to lists or records of individuals to be used for commercial purposes. If a request is for a list of individuals, the requester must also complete an "Agreement Not to Release or Use Information for Commercial Purposes" (reverse side of LOT A-41 -- Attachment B). The Public Records Officer may deny a request under this exemption if it is apparent the list is for a commercial purpose.

**NOTE:** No personal information collected from the public or obtained from other public or private entities may be sold, unless provided by law.

Public records may be examined only in the presence of the Public Records Officer or his/her Designee. The record will be withdrawn from the reviewer if he/she acts in a manner which will damage, substantially disorganize the records, or interfere excessively with other essential Lottery functions.

#### Computerized Data

No requester will be given access to computer equipment to inspect public records contained in a computerized database. A requester who wishes to inspect an available record that is not on paper must sufficiently describe the record and specify the format in which the requester would prefer the records to be presented. At the Lottery's discretion, it will produce either a printout of said record from the computer database or provide the database to the requester on an electronic medium, such as a computer diskette or "e-mail," in the format requested, if feasible.

#### Fees Charged

No fee will be charged to inspect a public record(s). Requests for photocopies of 40 pages or more are charged a fee of \$ .15 per copy plus sales tax and actual postage. The photocopying fee applies to each side of the document.

**NOTE:** The fees must be paid before the photocopies are provided, except that the PRO may determine that on-going records requests may be paid after the copies have been sent to the requester.

**NOTE:** The Director, Deputy Director, or PRO may determine that circumstances justify waiving any or all of the fees. Reason(s) for the waiver of fees will be entered in the public records log.

#### Denial of Requests

If the PRO determines that any public record is exempt from disclosure, the request will be denied. The PRO will provide the requester with a written statement specifying the reason for the denial, including the specific exemption authorizing the withholding of the record and how the exemption applies.

Requests for review of a denial must be in writing. If the PRO affirms the denial, he/she will immediately refer the denial to the Director, Deputy Director, or Designee. The Director, Deputy Director, or Designee will either affirm or reverse the denial. The decision of the Director, Deputy Director, or Designee shall constitute final agency action for purposes of judicial review.



**NOTE:** Per RCW 34.05.542(3), a petition for judicial review of agency action must be filed with the agency, the Attorney General, and all other parties of record within 30 days of the agency action.

**Responsibilities:**

1. Employees - Any requests received by staff members will be immediately forwarded to the PRO.
2. Public Records Officer (PRO) - The PRO, who is appointed by the Lottery Director, responds to all records requests, ensures compliance with public records disclosure requirements, and implements the Lottery Commission's rules regarding release of public records.



it's good to play

POL 110.117  
ATTACHMENT A

***(SEE HARD COPY IN MANUAL FOR THIS ATTACHMENT)***



POL 110.117  
ATTACHMENT B

**AGREEMENT NOT TO RELEASE OR USE INFORMATION  
FOR COMMERCIAL PURPOSES**

I HEREBY AGREE THAT THE LIST OF INDIVIDUALS PROVIDED ME BY WASHINGTON'S LOTTERY SHALL NOT BE USED FOR ANY COMMERCIAL PURPOSES BY MYSELF OR BY ANY ORGANIZATION I REPRESENT. I WILL PROTECT THE LIST OF INDIVIDUALS FROM ACCESS BY ANYONE WHO MIGHT USE THE INFORMATION CONTAINED IN THE LIST TO CONTACT OR IN SOME WAY PERSONALLY AFFECT AN INDIVIDUAL IDENTIFIED ON THE LIST OR FOR THE PURPOSE OF FACILITATING PROFIT EXPECTATIONS.

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REQUESTOR