

City of Bellingham Policies

Title:	PUBLIC DISCLOSURE GUIDELINES
Code:	ADM 07.04.01
Chapter:	Administration
Type of Policy:	Administrative
Date Developed:	April 1, 1976
Developed by:	Joan Hoisington, Assistant City Attorney and Adelle Ringus, Support Services Manager for the Public Disclosure Committee
Date Revised:	July 1, 1999
Revised by:	
Approved By:	Mark Asmundson, Mayor
Cancels:	
See Also:	

Purpose

The City of Bellingham will comply with RCW 42.17, the public disclosure law, as it relates to public records and disclosure of public records . The City recognizes that the intent of the law is to promote full access to information about the conduct of government at all levels, while remaining mindful of the right of individuals to privacy and the desirability of the efficient administration of government .

Scope

The policy applies to all City employees .

Definitions

Policy/Conditions

Procedure

1. Employees are to accept records requests made in person, over the telephone, by mail or FAX . Requesters are to complete Sections 1 and 2 of a "Public Disclosure Request for Information " form if practicable; however, employees may fill out the form for a requester, particularly if the request is made over the telephone or the requester needs assistance to complete the form .

If the record is unknown, obscure, or the employee is not certain of the appropriate response, fill out Sections 1 and 2 of a "Public Disclosure Request for Information " form or ask the requester to do so .

The description of records requested should be as precise as possible.

Requesters are not required to explain the purpose of the request except to establish that inspection and copying would not violate specific statutes such as the restriction for lists of individuals to be used for commercial purposes . (See Public Disclosure Exemptions .)

2. Forward requests to the Support Services Manager, (the City Records Officer) in the Judicial and Support Services Department, for response coordination . A department head may determine the response to a request for records

created in his/her department if the requested record has been routinely distributed in previous instances .

3. The Support Services Manager will review the request, then discuss it with the City Attorney (or designee) to determine appropriate response . If the Support Services Manager and the City Attorney determine that further review is needed, the Support Services Manager will present the request to the Public Disclosure Committee to formulate the City response .
4. The City's response is documented in Section 3 of the "Public Disclosure Request for Information " form. Either the Support Services Manager then carries out the decision, or the form is returned to the department that received the request to complete the process . The employee who notifies the requester of the final agency response records that action in Section 4 of the "Public Disclosure Request for Information " form, gives the original to the requester and the copy to the Support Services Manager.
5. RCW 42.17 requires that a response be made to the requester within five (5) business days after the request was received. The response may:
 - a) Allow full access.
 - b) Deny access. If so, the following elements are essential:
 - 1) Any denial must be in writing;
 - 2) Any denial must cite the statutory basis for the denial;
 - 3) Any denial must give a brief explanation of how the exemption applies to the requested record (s).
 - c) Allow access with deletion of personal details which would violate individual privacy . Deleted portions must be explained in the same manner as denial of access.
 - d) Explain that the City does not have the requested record, or
 - e) Give a reasonable estimate of the time required to complete the response .
6. If a request is made for a particular record that is scheduled for destruction in the near future, the record shall be retained until the request is resolved .

Public Disclosure Exemptions

RCW 42.17.260(9) declares that no authority is given public agencies to "give, sell or provide access to lists of individuals requested for commercial purposes " unless specifically directed by

law.

RCW 42.17.310 lists records that are not subject to public inspection and copying. The following includes more commonly requested items; it is not an exhaustive list of all exemptions.

1. Personal information in any employment files to the extent that disclosure would violate the subject's right to privacy.
2. Information required of any taxpayer in connection with the assessment or collection of any tax if specific statutes would prohibit the disclosure or if disclosure would violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.
3. Test questions, scoring keys, and other examination data used to administer an employment examination.
4. Real estate appraisals made for or by any agency relative to the acquisition or sale of property, until the prospective sale is completed or abandoned. Three years after the appraisal is made, disclosure cannot be denied.
5. Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.
6. Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.
7. Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.
8. All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
9. The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.
10. The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

Copy Charges

There is no fee to inspect public records.

No fee shall be charged for locating public records and making them available for inspection and copying .

A charge of \$.15 for each page photocopied may be assessed . Charges for copies other than photocopies should be the actual cost of reproduction . A copy fee may include postage or delivery charges and the cost of any container or envelope used to send the public records to the requester .

Copy charges are payable in the Finance Department .

Related Policies

References/Sources

Appendix/Attachments

Public Disclosure Request for Information 
Waiver Form for the Release of Information 