



Standard

1. Authority

RCW 42.56.070(1) requires each local agency to make available for inspection and copying public records which are not specifically exempted by statute. RCW 42.56.070(2) requires each agency to publish and maintain, for informational purposes, a current list containing every law, other than those listed under Chapter 42.56 RCW, that the agency believes exempts or prohibits disclosure of specific information or records of the agency.

2. Purpose

As directed by RCW 42.56.100, the purpose of this policy is to establish the procedures the City of Richland (the "City") will follow to provide full access to public records not specifically exempted by state or federal law. This policy will ensure that requestors receive the fullest assistance while preventing excessive interference with other essential functions of the City.

3. Application

This policy applies to all requests for public records made pursuant to [Chapter 42.56 RCW](#), and supersedes prior versions of the City of Richland's Public Records Act Disclosure Policy Index No. 0260. This policy is subject to revision at any time.

4. Definitions

Listed below are terms defined by the Public Records Act. Any term not defined by the Public Records Act or this policy shall be defined by its common meaning.

- a. "Agency" includes all state and local agencies. A "local agency" includes counties, cities, towns, municipal corporations . . . or any office, department, division, board, commission, or agency thereof. The City of Richland is an agency governed by the provisions of Chapter 42.56 RCW.
- b. "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, "person in interest" means and includes the parent or duly appointed legal representative.
- c. "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 characteristics. This definition does not include records that are not otherwise required to be retained by the agency and are by volunteers who:

- i. Do not serve in an administrative capacity;
 - ii. Have not been appointed by the agency to an agency board, commission, or internship; and
 - iii. Do not have a supervisory role or delegated agency authority.
- d. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

Practice

1. Responsibilities

- a. **Public Records Officer.** The City of Richland has publicly identified the City Clerk as the Public Records Officer whose responsibility is to serve as a point of contact for requests under the Public Records Act. The City Clerk is designated to oversee compliance with the Washington State Public Records Act. Other specific City staff members may receive or respond to public records requests as set forth below.
- b. **City Attorney.** The City Attorney or designee shall provide legal advice to the Public Records Officer or designee, as well as to City officials and employees concerning compliance with this policy and the Public Records Act.

2. Public Records Request - General Provisions

- a. City officials, officers and employees are not required to respond to a public records request if the request is not made pursuant to this policy. However, if a public record is readily accessible and can be easily provided at the time the request is made without need for further analysis regarding release, a City official, officer or employee may respond to the request.
- b. Public records which are prepared for the purpose of making them available to the public may be provided without completing a formal public records request.

3. **Availability of Public Records.** Public records are available for inspection and copying during normal business hours of the City, excluding municipal legal holidays. Records must be inspected at the offices of the City, and arrangements for inspection and/or copying must be made in advance. Inspection of public records must occur in a non-disruptive manner. No member of the public may remove a public record from a viewing area, disassemble, or alter any public record.

- 4. Organization / Protection of Public Records.** The City will maintain its records in a reasonably organized manner consistent with available resources. Pursuant to RCW 42.56.070(4), the City of Richland has determined that development and maintenance of a current index of all public records as required by RCW 42.56.070(3) is unduly burdensome. See City of Richland Resolution No. 156-15.
- 6. Records as a Matter of Right.** Under state and federal law, certain entities and/or individuals are granted access to certain records held by the City as a matter of right. When an individual and/or an entity wishes to exercise a statutory right to access records held by the City, that request is made outside the scope of the Washington State Public Records Act, Chapter 42.56 RCW. Learn how to submit a request for records as a matter of right on the City's website at www.ci.richland.wa.us.

On the website, select:

"I Want To..." → "Request" → "Public Records" → "AGENCIES/INVOLVED PARTIES"

- 7. Making a Request for Public Records.** A public records request must be for identifiable records. A request for all or substantially all records prepared, owned, used, or retained by an agency is not a valid request for identifiable records. A variety of public records are available on the City's website at www.ci.richland.wa.us. Requestors are encouraged to view the public records currently available on the website at no charge prior to submitting a records request.
- a. Requestors are encouraged to use the applicable public records request forms available at the offices identified below or in the Public Records Center located on the City of Richland's website (www.ci.richland.wa.us). Requests may be made in person, in writing by mail, or electronically (see Section D below). The City does not accept public records requests submitted by telephone or fax.
 - b. The request should include the following information:
 - The date and time of the request;
 - Name, mailing address, telephone number and email address of requestor;
 - Adequate identification of the public record(s) being requested;
 - Whether the requestor is seeking to inspect the record(s) or if copies are being requested.
 - c. Requests submitted by mail will be deemed received on the date received by the City. Requests submitted electronically after the close of business will be deemed received on the next business day.
 - d. Request by Record Type – Where to Submit.
 - i. **9-1-1 Records.** Requests to inspect or copy 9-1-1 records, or for assistance

in making such a request, are made to the City Clerk's Office:

In Person: 975 George Washington Way, Richland WA
By Mail: ATTN: Deputy City Clerk
505 W. Swift Blvd. MS-05
Richland, WA 99352
Online: www.ci.richland.wa.us (to submit electronically)

On the website, select:

"I Want To..." → "Request" → "Public Records" → "9-1-1/NON-EMERGENCY DISPATCH"

- ii. **Police Records.** Requests to inspect or copy police records are made to the Richland Police Department:

In Person: 871 George Washington Way, Richland WA
By Mail: ATTN: Police Public Records Officer
505 W. Swift Blvd. MS-17
Richland, WA 99352
Online: www.ci.richland.wa.us (to submit electronically)

On the website, select:

"I Want To..." → "Request" → "Public Records" → "POLICE DEPARTMENT"

- iii. **Requests for Fire/Ambulance Records.** Requests to inspect or copy fire or ambulance records are made to the Richland Fire & Emergency Services Department:

In Person: 1000 George Washington Way, Richland WA
By Mail: ATTN: Fire Public Records Officer
505 W. Swift Blvd. MS-16
Richland, WA 99352
Online: www.ci.richland.wa.us (to submit electronically)

On the website, select:

"I Want To..." → "Request" → "Public Records" → "FIRE/EMS"

- iv. **General City Records.** Requests to inspect or copy general records of the City are made to the City Clerk's Office.

In Person: 975 George Washington Way, Richland WA
By Mail: ATTN: Deputy City Clerk
505 W. Swift Blvd. MS-05
Richland, WA 99352
Online: www.ci.richland.wa.us (to submit electronically)

On the website, select:

"I Want To..." → "Request" → "Public Records" → "GENERAL"

8. Processing of Public Records Requests

a. **Acknowledging Receipt of Request.** Within five (5) business days of receipt of a request, the City will respond by doing one or more of the following:

- Making the record(s) available, in whole or in part, for inspection or copying;
- Acknowledging the request and providing a reasonable estimate of time required by the City to respond to the request;
- Acknowledging the request and asking the requestor to provide clarification for a request that is unclear, and providing, to the greatest extent possible, a reasonable estimate of time necessary to respond to the request if it is not clarified; or
- Denying the request, in whole or in part, and providing the legal basis for such denial.

In computing time, the day on which the request is received does not count as one of the five business days. Holidays and weekends are also excluded from the calculation of time. RCW 1.12.040.

b. **Clarification Requested.** If, after clarification is requested by the City on a request that is wholly unclear, a requestor fails to provide the requested clarification or fails to describe an identifiable public record with adequate specificity such that it can be located, the City will deem the request abandoned and withdrawn, and will take no further action. Clarification must be received within ten (10) calendar days of the date the request for clarification is sent by the City.

c. **Duplicate Requests; Different Timeframe.** When a requestor makes multiple public records requests for the same identifiable records but for different timeframes, the City may, in the City's discretion, combine the requests into one public records request.

d. **Third Party Notice.** In the event the requested record(s) contain information that may affect the rights of other persons of interest and/or may be exempt from disclosure, the City may, prior to providing the records, give notice to such other persons of interest whose rights may be affected by disclosure. The notice shall include a complete copy of the public records request. Third parties shall be given twenty (20) business days to obtain and provide to the City an order from the court preventing or limiting disclosure.

e. **Records Exempt from Public Disclosure.** The City shall make available for public inspection and copying all public records, unless the record or specific information contained within the record is exempt or prohibited from disclosure by

state or federal law. If any record, in whole or in part, is determined to be exempt from disclosure, the City shall provide the requestor with a written statement of the specific exemption authorizing the withholding of the record, in whole or in part, and shall provide a brief explanation of how the exemption applies to the record, or a portion thereof, withheld. RCW 42.56.070.

- i. The Public Records Act provides that a number of types of records are exempt from public inspection and copying. See RCW 42.56.210 – 630.
 - ii. Other statutes outside the Public Records Act may also prohibit or exempt disclosure of certain records or information. RCW 42.56.070(1). A current list of other statutes that prohibit or exempt disclosure is incorporated into this policy as **Exhibit A**, and may be updated from time-to-time. The City's failure to list all possible bases for exemption in **Exhibit A** shall not affect the City's ability to rely on such an exemption.
 - iii. By law, the City is prohibited from disclosing lists of individuals requested for commercial purposes. RCW 42.56.070(9).
- f. **Providing Records in Installments.** When a request is for a large number of records, or records that require extensive review prior to disclosure, the City may make the records available on an installment basis.
- i. If the City elects to make records available on a partial or installment basis, the City may charge for each installment of the request as it is provided. RCW 42.56.120.
 - ii. If, within fifteen (15) business days of written notice that records are available for release or inspection, the requestor fails to inspect or pay for the records, the City will consider the request abandoned. The City will discontinue fulfilling the balance of the request.

9. No Duty to Create Records. The City is not obligated to answer written questions, create new public records, or provide a record in a format different from the original format of the record; however, the City may, in its discretion, offer to create such a record to fulfill a request where it may be easier for the City to create a record responsive to the request than to collect and make available voluminous records.

10. No Duty to Supplement Responses. The City is not obligated to hold current records requests open to respond to requests for records that may be created in the future. A new request must be made to obtain later-created public records.

11. Fees; Statutory Limits.

- a. The City finds that calculating the actual costs associated with providing public

records is unduly burdensome for the following reasons: 1) quantifying certain necessary resources (ink, electricity, “wear and tear” on equipment) is inherently difficult; 2) funds were not allocated for performing a study to calculate actual costs, and the City’s established priorities do not include funding for this particular effort; 3) staff resources are insufficient to perform a study and to calculate actual costs; and 4) a study would interfere with and disrupt essential City functions.

- b. The fees for copies of public records are as stated in the City’s current [Fee Schedule](#). Fees are consistent with the amounts established by state law. The City may also charge for the actual cost of any digital storage media or device, the actual cost of any container or envelope used for mailing, and the actual cost of postage or delivery charges. No fee shall be charged for the inspection of public records or for locating public records and making them available for inspection. Payment of fees assessed is required prior to release of records. RCW 42.56.120.

- 12. Customized Service Charges.** The City may impose a customized service charge if the City determines that the records request requires the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the City for other agency purposes. Requestors will be notified in advance of the estimated cost, along with an explanation of why the customized service charge applies and a description of the specific expertise required, so that the request may be amended to avoid or reduce cost, if desired.
- 13. Deposit.** The City may require a deposit of up to ten percent (10%) of the estimated cost of providing records as provided herein, to include customized service charges, if any.
- 14. Closing Abandoned Requests.** If the requestor withdraws the request, fails to clarify a request when asked, or fails to timely inspect or pay for the records requested, the City will close the request and notify the requestor that the request has been closed and that no further action will be taken. Closure of the request and the circumstances that led to closure will be documented. RCW 42.56.120.
- 15. Denial of Request Due to Exemption.** All denials of requests for public records will be accompanied by a Redaction-Exemption Log that identifies the record(s) at issue, explains the legal basis for the denial, and gives a brief explanation of how the exemption applies to the record(s) withheld. RCW 42.56.210(3).
- 16. City Manager’s Review and Approval.** The City Manager has reviewed and authorized this Public Records Act Disclosure Policy as representative of the City’s ongoing efforts to comply with State legislation and public policy to provide a transparent government for citizens of Richland.

Guide

The Public Records Act Disclosure Policy meets the requirements of the City's stated values of Teamwork, Integrity and Excellence. A clear delineation of responsibility for the timely and efficient delivery of those records upon public request certainly requires teamwork to meet the required timelines of the statutes, and involves both integrity and excellence to keep pace with the volume of requests and the effort necessary to retrieve those documents while still performing the day-to-day duties of employees assigned to provide the information.

Governing authority includes Chapter 42.56 RCW and Chapter 44-14 WAC.

Approval



City Manager

July 3, 2018

Date

Responsible Administrator: City Attorney's Office / City Clerk

Revision History:

July 3, 2018

August 21, 2017

December 7, 2016

January 22, 2016

September 17, 2013

May 18, 2012

March 6, 1998

September 30, 1992