



PUBLIC RECORDS ACT RULES

Section 1. Authority and Purpose.

- A. RCW 42.56.100 requires public agencies to adopt and enforce reasonable rules and regulations consistent with the intent of chapter 42.56 RCW, the Public Records Act (PRA).
- B. RCW 42.56.070(1) requires each public agency make available for inspection and copying nonexempt public records, in accordance with published rules. RCW 42.56.070(2) requires each public agency to set forth for informational purposes every law, in addition to the Act, that exempts or prohibits the disclosure of public records held by that public agency.

Section 2. Agency Description – Contact information – Public Records Officer

- A. MRSC is a private, nonprofit 501(c)(3) corporation.
- B. MRSC's physical office is located at 225 Tacoma Avenue South, Tacoma, WA 98402..
- C. MRSC's Public Records Officer is Gabrielle Nicas. All requests for public records must be directed as follows:

E-mail: pro@mrsc.org

or

Postal Mail:

Public Records Officer
Municipal Research and Services Center
1712 6th Avenue
Suite 100, PMB 1330
Tacoma, WA 98405

MRSC will not accept public records requests over social media.

Information about submitting a public records request is also available at MRSC's website at <http://mrsc.org>.

- D. The public records officer shall oversee MRSC's compliance with the Act, provided, however, that other MRSC designees may and shall assist with processing public records requests to ensure MRSC compliance. Unless otherwise stated herein, any reference to public records officer shall include any designee. The public records officer and MRSC shall provide requestors the fullest assistance; ensure that public records are protected from damage or disorganization; and prevent the fulfilling of public records requests from causing excessive interference with essential functions of MRSC. The public records officer shall periodically attend training as necessary to meet the requirements of the Act. MRSC shall document such training.

Section 3. Availability of public records.

- A. Hours for inspection. Public records are available for inspection and copying by appointment only. The public records officer and the requestor may make mutually agreeable arrangements for times of inspection and copying.
- B. Records index. MRSC finds that maintaining an index is unduly burdensome, costly, and would interfere with MRSC operations due to the diversity of MRSC's filing and information systems, budget restraints and the unavailability of staff.
- C. Organization of Records. MRSC shall maintain its records in a reasonably organized manner. MRSC shall take reasonable actions to protect records from damage and disorganization. A requestor may not take original MRSC records from MRSC offices. Many MRSC records are available on the MRSC web site: <http://mrsc.org>. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

Section 4. Making a request for public records.

- A. Any person wishing to inspect or have copies of public records of MRSC should submit a request by email or US mail to the public records officer pursuant to section 2. MRSC shall respond to any lawful records request for an identifiable record. The request should include the following information: requestor name (if appropriate), contact information, description of the public records sought adequate for MRSC to locate the records, and the date of the request.
- B. If the requestor requests copies of the records, the requestor should so indicate and make arrangements to pay for copies of the records or a deposit pursuant to Section 8. Payment shall be received by MRSC prior to release of any documents.
- C. If the requestor fails to identify themselves (if identity is required) and/or fails to provide sufficient contact information, MRSC shall respond to the extent feasible and consistent with the law.

Section 5. Processing public record requests

- A. Providing Fullest Assistance. The public records officer shall take such action as necessary to provide the fullest assistance to requestors in accessing public records. The public records officer shall process requests in the order allowing the most requests to be processed in the most efficient manner.
- B. Acknowledging Receipt of Request. Within five business days of receipt of the request, the public records officer shall do one or more of the below. Requests submitted after 5:00pm on a business day or anytime on a weekend or holiday will be considered received on the following business day.
 - 1. Make the records available for inspection or copying;
 - 2. Provide copies of the records directly to the requestor; provided, however, that the public records officer may provide such copies in installments. If copies or installments are requested for which there is an associated fee, any such fees shall be paid prior to the release of records;
 - 3. Provide an Internet address and/or link to MRSC's website to the specific records requested, except that if the requestor notifies MRSC that they cannot access the records through the Internet, then MRSC will provide copies of the records or allow the requestor to view records using MRSC facilities, if available;
 - 4. Acknowledge that MRSC has received the request and provide a reasonable estimate of when records or an installment of records will be available. Additional time required to respond may be based upon the need to clarify the request, to locate and assemble the records, to notify third persons affected by the request, the number and volume of the request or other pending requests, or to determine whether any records requested, or portions thereof, are exempt;

5. Acknowledge that MRSC has received the request and request clarification from the requestor for any portion of the request that does not sufficiently identify the requested records or that is unclear. Such clarification request shall also provide a reasonable estimate of when the records will be available if the request is not clarified. The public records officer may revise the estimate of when records will be available based upon any subsequent clarification received. In the event MRSC requests clarification for a records request in which all or a portion of the request is unclear and the requestor fails to respond to MRSC's request for clarification, MRSC shall not be required to respond to any portion of the request that was determined to be unclear and the public records officer may close that portion of the request; or

6. Deny the request, explaining the reason for such denial.

C. Consequences of Failure to Respond. If MRSC does not respond in writing within five business days of receipt of the request for records, the requestor is encouraged to contact the public records officer to determine the reason for the failure to respond.

D. Protecting Rights of Others ("Third Party Notice"). The public records officer may, prior to providing the records, give notice of the request and MRSC's intent to provide the records to others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask for a revision of the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons shall include a copy of the request. Unless otherwise required by law, nothing herein shall require notice to third parties of any request or decision by MRSC to disclose records.

E. Time Spent on Records Requests. Time spent on records requests by the public records officer shall not exceed twenty percent (20%) of their time per week.

F. Records Exempt from Disclosure. Some records are exempt from disclosure, in whole or in part. If MRSC determines that a record or a portion of a record is exempt from disclosure, the public records officer shall state the specific exemption and provide a brief written explanation of why the record or a portion thereof is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer must provide the nonexempt portions.

G. Inspection of Records.

1. MRSC may provide space for members of the public to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. If the requestor desires copies of any records, the requestor shall indicate which documents he or she wishes MRSC to copy.

2. Requestors shall not be permitted to access or "plug into" MRSC networks or systems or copy records using personal devices or equipment, such as USBs or scanners, which must be connected to MRSC equipment in order to copy records.

3. Once requested records are available for inspection, MRSC will hold such records for inspection for 30 days and notify the requestor in writing that he or she should contact MRSC to make arrangements to review the records. If the requestor or a representative of the requestor fails to review the records within the 30-day period or make other arrangements, MRSC may close the request and refile the assembled records.

H. Making Copies of Records.

1. If the requestor has requested copies of records, the public records officer shall make the requested copies or arrange for copying.

2. MRSC may, but is not obligated to, translate, scan or otherwise provide nonexempt copies of record in the specific electronic format requested by the requestor. When a requestor requests records in an electronic format, if technically feasible, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable:

- in an electronic format that is used by MRSC and is generally commercially available; or
- in a format that is reasonably translatable from the format in which MRSC keeps the record.

I. Providing Copies of Records

Prior to delivering copies of the records, MRSC will notify the requestor of the amount of fees due. Copies shall not be provided to the requestor until all applicable fees have been received. MRSC will hold such records for delivery for 30 days from the date of notification. If the requestor or a representative of the requestor fails to make payment within the 30-day period or make other arrangements, MRSC may close the request and refile the assembled records.

At MRSC's option, MRSC may deliver electronic records via any of the following methods:

- Online portal or online sharing site
- USB memory stick
- For requests which have a low volume of responsive electronic records, the records may be sent through email as an attachment. If the responsive records exceed the file size limit of Outlook or other email platforms, they will not be emailed. Installments will be compiled to provide the maximum number of records to the requestor in each installment and will not be divided to comply with the file size limit.

- J. Providing Records in Installments. The public records officer may, upon determining that it will be most practical, determine to make copies available on a partial or installment basis. The public records officer shall notify the requestor when any installment is available and that the requestor may claim the installment within 30 days after payment for such installment. If, within 30 days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer may close the remainder of the request and stop searching for the remaining records.
- K. Closing Withdrawn, Abandoned, or Unclarified Request. If the requestor withdraws the request the public records officer will close the request upon withdrawal. If the requestor fails to respond to a request for clarification, fails to fulfill his or her obligations to inspect the records, or fails to pay a required deposit, required fees for an installment of copies, or required payment for the requested copies within 30 days of MRSC's request for the appropriate action, the public records officer may close the request and notify the requestor that MRSC has closed the request.
- L. Bot Requests. MRSC may deny a "bot" request, as such term is defined in the Act, pursuant to the procedures set forth in the Act.
- M. Later Discovered Documents. If, after MRSC has informed the requestor that all available records have been provided, MRSC becomes aware of additional responsive documents existing at the time of the request, the public records officer should inform the requestor of the additional documents and provide such documents. If any records, or portions thereof, are exempt, MRSC shall withhold or redact the exempt records and provide the requestor with the applicable exemption and provide a brief written explanation of why the record or a portion thereof is being withheld.
- N. No Duty to Create Records. MRSC is not obligated to create a new record to satisfy a records request; however, MRSC may create such a new record to fulfill the request where it may be easier for MRSC to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request. MRSC is not required to conduct research for a requestor.

Section 6. Records retention.

MRSC retains its records consistent with the State Government General Records Retention Schedule published by the Office of the Secretary of State – Washington State Archives.

Section 7. Exemptions and prohibitions from disclosure.

- A. The Act provides that certain records are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any other statute exempts or prohibits disclosure. A list of the laws and regulations, other than those listed in the Act, that restrict the availability of some documents held by MRSC for inspection and copying is kept by the public records officer.
- B. MRSC is prohibited pursuant to the Act from disclosing lists of individuals for commercial purposes.

Section 8. Costs for providing copies of public records.

- A. Costs for records. A reasonable charge may be imposed for providing copies of public records and for the use by any person of MRSC equipment, which charges shall not exceed the amount necessary to reimburse MRSC for its actual costs directly incident to such copying. Calculation of actual costs to charge for providing public records would be unduly burdensome due to budget constraints and availability of staff. Therefore, MRSC hereby adopts the default fees as outlined in RCW 42.56.120, as it now reads and as hereafter amended. There is no fee for inspecting public records, including inspecting records on MRSC's website. Copies of records shall not be provided to the requestor until all applicable fees, including but not limited to, postage for mailed copies, have been received. Before making copies or processing a customized service, the public records officer may require a deposit of up to 10 percent of the estimated costs of copying all the records selected by the requestor. MRSC may require payment of applicable fees for the copies in an installment prior to release of the installment. MRSC will not charge sales tax for copies of public records.
- B. Cost estimates. If requested by a requestor, MRSC shall provide a summary of the applicable charges before any copies are made and the requestor may revise a public records request to reduce the number of copies to be made and reduce the applicable charges.
- C. In addition to any charges noted in RCW 42.56.120, MRSC may include a customized service charge if MRSC estimates that the request would require 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 MRSC for other purposes. Such charge shall be the actual cost of providing the customized access service. MRSC must notify the requestor in advance of the customized service charge to be applied, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge, and MRSC must provide the requestor the opportunity to amend the public records request in order to avoid or reduce the cost of a customized service charge.
- D. Costs of Mailing. MRSC will also charge actual costs of mailing, including the cost of the envelope and other shipping materials.
- E. Payment. Payment may be made by credit card or other method authorized by MRSC.
- F. Waived fees. MRSC may waive any charge assessed when the payment due is less than \$2.00.

Section 9. Review of denials of public records.

- A. Petition for Administrative Review of Denial of Access. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer denying the request.
- B. Consideration of Petition for Review. The public records officer shall promptly provide the petition and any other relevant information to the Managing Attorney, or in their absence, the Executive Director to conduct the review. That person shall immediately consider the petition and either affirm or reverse the denial within two business days following MRSC's receipt of the petition, or within such other time as MRSC and the requestor mutually agree.

Section 10. Conflict with chapter 42.56 RCW.

These Rules are intended to comply with the requirements of chapter 42.56 RCW and shall in no way be construed to supersede or otherwise modify MRSC's requirements pursuant to chapter 42.56 RCW. In the event any provision of these Rules conflicts with a provision of chapter 42.56 RCW, the provisions of chapter 42.56 RCW shall govern. These Rules shall in no way prevent or prohibit MRSC from taking any action authorized pursuant to chapter 42.56 RCW.