



POLICY

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.

- 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.

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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.

5. Making a Request for Public Records. A variety of public records are available on the City's website at www.ci.richland.wa.us. Requestors are encouraged to view public records available on the website 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 also be made in person or in writing by letter directed as identified in 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 made by mail, or on the website after the close of business will be deemed received on the next business day.

d. Request by Record Type – Where to Submit.

i. **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.

Richland, WA 99352

Online: www.ci.richland.wa.us

- ii. **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.

Richland, WA 99352

Online: www.ci.richland.wa.us

- iii. **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.

Richland, WA 99352

Online: www.ci.richland.wa.us

- iv. **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.

Richland, WA 99352

Online: www.ci.richland.wa.us

6. 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;
 - Providing a reasonable estimate of time required by the City to respond to the request;
 - Requesting clarification from the requestor if the request is unclear or does not adequately identify an identifiable public record; or
 - Denying the request, in whole or in part, and providing the legal basis for such denial.

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- In computing time, the day on which the request is received does not count as one of the five 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, 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.
- c. **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.
- d. **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(9).
- 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).
- e. **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 provide access for inspection and copying on an installment basis. If, within 30 days from the date of notice that records are available for inspection or copying, the requestor fails to inspect or pay for copies of the records, the City will

discontinue fulfilling the balance of the request, and shall consider it abandoned and closed.

- i. If the City elects to make a request 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.
7. **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.
8. **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.
9. **Fees.** The fees for copies of public records are as stated in the City's current [Fee Schedule](#). Fees reflect the actual cost of providing photocopies or reproductions of requested records, or are consistent with the amount established by statute. The City may also charge for the actual costs of mailing, including postage and the cost of the shipping container. 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.
10. **Deposit.** The City may require a deposit of up to ten percent (10%) of the estimated cost of copying records.
11. **Closing Abandoned Requests.** If the requestor withdraws the request, fails to clarify a request when asked, or fails to timely inspect or pay for copies of the records provided, the City will close the request and notify the requestor that the request has been closed and that no further action will be taken. The closure of the request and the circumstances that led to closure will be documented. RCW § 42.56.120.
12. **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 withheld. RCW § 42.56.210(3).

13. 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



Date

Responsible Administrator: City Attorney's Office / City Clerk

Revision History:

December 7, 2016

January 22, 2016

September 17, 2013

May 18, 2012

March 6, 1998

September 30, 1992