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ATTACHMENT A
to Resolution No. 2007- 060
(amending & rescinding Res. 2007-049)

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PACIFIC COUNTY
PUBLIC RECORDS PROCEDURES POLICY

- 9 Section 1 Purpose.
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19 Section 11 Records Scheduled for Destruction.
20 Section 12 Searching Public Records - Back-up and Security Copies.
21 Section 13 Review of Denials of Public Records Requests.
22 Section 14 Electronic Information.
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Section 1 – Purpose.

27 The purpose of this policy is to provide rules by which the County implements and
28 ensures compliance with the provisions of Public Records Act for the County's public
29 records. This Policy does not apply to public records of the State of Washington, such
30 as the records of the Administrative Office of the Courts (AOC), the Washington State
31 Patrol (WSP), the Department of Licensing (DOL) and the Department of Corrections
32 (DOC), that may be available to the County's employees by virtue of digital connectivity.
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Section 2 – Interpretation and Construction.

36 The provisions of this policy shall be liberally interpreted and construed to promote full
37 access to the County's public records in order to assure continuing public confidence in
38 government: provided, that when making public records available the County shall
39 prevent invasions of privacy, shall protect public records from damage or
40 disorganization, and shall prevent excessive interference with essential government
41 functions.
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2 **Section 3 – Public Records Available.**

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4 Public records shall be made available for public inspection and copying pursuant to this
5 resolution, except as otherwise provided by law.

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7 **Section 4 – Exempt Records.**

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9 Requests for public records / information exempt from disclosure under the Public
10 Records Act (Chapter 42.56 RCW) or any other law may be rejected by Public Records
11 Officers.

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13 **Section 5 – Public Records Officers Designated.**

14
15 A. A Public Records Officer shall serve as the point of contact for members of the
16 public who request disclosure of public records. Each Public Records Officer shall be
17 responsible for implementation of and compliance with this resolution and the Public
18 Records Act.

19
20 B. The Clerk of the Board of County Commissioners is the Public Records Officer for
21 the Board of County Commissioners.

22
23 C. Unless otherwise designated by the Board of County Commissioners, the Clerk of
24 the Board of County Commissioners is the Public Records Officer for all departments,
25 boards and commissions appointed by and reporting to the Board of County
26 Commissioners.

27
28 D. Unless otherwise designated by an elected official, each elected official is the Public
29 Records Officer for the offices and departments administered by the elected official.

30
31 E. The Public Records Officer for the superior court judges shall be the superior court
32 administrator.

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34 F. The Public Records Officer for the district court judges shall be the district court
35 administrator.

36
37 G. An Alternate Public Records Officer shall be designated by each appointing
38 authority to act when the designated Public Records Officer is absent or otherwise
39 unavailable to act.

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41 **Section 6 – Public Records Requests - How Made.**

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43 A. Public records may be inspected and/or copies may be obtained under the following
44 procedures:

1 1. A request for public records shall be directed to the Public Records Officer
2 for the office or department having custody or control of the requested records. If the
3 location of records is unknown, then the request may be made to the Public Records
4 Officer for the Board of County Commissioners.
5

6 2. A request for public records shall be made in writing and include the following
7 information:
8

- 9 a. The requester's name, mailing address, and telephone number;
- 10 b. The date of the request;
- 11 c. A clear indication that the document is a "Public Records Request;"
- 12 d. Whether the request is to inspect the public records or for copies of
13 public records, or both;
- 14 e. A clear description of the public records requested for inspection and/or
15 copying and the office or department having custody of the public records;
16 and
- 17 f. If the request is for a list of individuals, a statement that the list will not
18 be used for any commercial purposes or that the requester is authorized
19 or directed by law to obtain the list of individuals for commercial purposes,
20 with a specific reference to such law;

21
22 Requests for public records must only be mailed, faxed or hand delivered. Emailed
23 requests are not acceptable. A Request for Public Records Form is attached as
24 ATTACHMENT B:
25

26 3. If an elected official or department maintains indexed records specifically for
27 public inspection and copying, the Public Records Officer may permit inspection and
28 copying in response to an oral request. However, the Public Records Officer shall
29 require a written request if the request is for, or the response may include, any of the
30 following:
31

- 32 a. A list of individuals;
- 33 b. Categorical requests not identifying a specific public record;
- 34 c. Subjects of current, threatened or potential litigation;
- 35 d. More than 100 pages of documents;
- 36 e. Reproduction of oversized documents such as maps, surveys, large
37 format photographs or color reproduction; or
- 38 f. Public records or information exempt from disclosure.

39
40 B. The County shall develop and maintain forms to facilitate public record requests.
41

42 C. Requests for inspection or copying of public records maintained by an agency of the
43 State of Washington or another government agency must be made to such agency and
44 will be subject to that agency's rules and regulations, including required forms and fees.
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3 **Section 7 – Inspection of Public Records - Where and When.**
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5 Public records shall be inspected at the offices of the elected official or department
6 having custody or control of the records. Public records shall be available for inspection
7 from 9:00 a.m. to 12:00 noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday,
8 excluding legal holidays: provided, that there is no obligation to allow inspection
9 immediately upon a demand. A Public Records Officer may request that the person
10 seeking to inspect public records schedule an appointment for inspection.
11

12 **Section 8 – Response to Public Records Requests.**
13

14 A. The Public Records Officer shall, to the extent practicable, assist requesters in
15 identifying the public records sought.
16

17 B. Within five business days after receiving a public record request, the Public Records
18 Officer shall respond to the request in writing. Responses shall conform to the
19 requirements of RCW 42.56.520.
20

21 C. If a requester fails to clarify the request after receiving a response from the Public
22 Records Officers seeking clarification, the Public Records Officer need not respond
23 further to the request.
24

25 D. If the Public Records Officer does not respond in writing within five working days
26 after receipt of a request for public records, the requester shall be entitled to request
27 review by either the Public Record Officer's elected official or department head or by the
28 Prosecuting Attorney.
29

30 E. If the Public Records Officer provides an estimate of the time required to respond to
31 the request and the requester believes the amount of time stated is not reasonable,
32 then the requester may request that the Public Record Officer's elected official or
33 department head or the Prosecuting Attorney review the estimate of time.
34

35 F. When a request for public records is received that concerns a subject known to
36 involve litigation that is pending, threatened or anticipated, the Public Records Officer
37 shall promptly notify the Prosecuting Attorney of the request.
38

39 **Section 9 – Copying and Delivery Fees.**
40

41 A. Disallowed Charges.
42

43 1. No fee will be charged for the inspection of a public record.
44

45 2. No fee will be charged for locating public records in response to a request and

1 making the records available for inspection or copying.

2
3 3. No fee will be charged for searching for public records, redacting portions of a
4 record which are exempt from disclosure, or preparing an index of exempt
5 documents.

6
7 B. Allowed Charges - Generally.

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9 1. A reasonable fee will be charged to reimburse the County for the costs of
10 providing copies. The Public Records Officer may waive the fee for fewer than
11 100 pages on the basis that the expense of processing the payment exceeds the
12 costs of providing the copies.

13
14 2. A reasonable fee shall be charged to reimburse the County for the cost of
15 delivering copies of public records to a requester, including the cost of packaging
16 the copies for delivery and the cost of postage or delivery service.

17
18 3. Any request for which the response will be more than 100 pages of
19 documents, oversized documents, color photographs or reproductions, tape
20 recordings and computer disks may be sent to a private copying service for
21 copying, in which case the copying fee shall be the actual charge imposed for
22 copying, plus applicable taxes and shipping costs.

23
24 4. The Public Records Officer may require that all copying and delivery fees be
25 paid in advance of the release of the copies.

26
27 C. The fee for searching records, research, and/or providing a copy of a public record
28 may be set by statute, e.g. court papers (RCW 3.62.060), duplication of electronic tapes
29 of a court proceeding (RCW 3.62.060); traffic accident reports (RCW 46.52.085); and
30 criminal history information (RCW 10.97.100).

31
32 Unless a fee is fixed by another federal, state or county ordinance/resolution, the
33 following fee schedule is applicable:

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8.5" by 14" page, or less	\$0.15 per page
Greater than 8.5"x14" page	\$1.00 per page
Greenbar computer printouts	\$1.00 per page
Color Maps	\$5.00 per square foot
Audio Tapes	\$20.00 per cassette tape
Fax (8.5" by 11" only)	\$1.00 per page
Postage	Actual expense
Boxes	Actual expense
Envelopes	\$.50 each
Copying Service	Actual expense
Electronic records	See Section 14

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3 D. The Public Records Officer may require a deposit before copying requested public
4 records. If the Public Records Officer responds to a request on a partial or installment
5 basis, the requester shall be charged for each part or installment which is copied. If a
6 partial or installment response is not claimed or reviewed by the requester, the Public
7 Records Officer is not obligated to fulfill the balance of the request.

8 **Section 10 – Protection of Public Records.**

9
10 Each Public Records Officer shall, to the extent practicable, insure that records
11 requested are not misplaced or misfiled by members of the public during inspections
12 and not removed from a County office. Original public records shall not be released to
13 the public for any purpose.

14
15 **Section 11 – Requested Records - Scheduled for Destruction.**

16
17 If a public record request is made at a time when a record exists, but the record is
18 scheduled for destruction in the near future, the Public Records Officer shall direct that
19 the record be retained until the request is resolved.

20
21 **Section 12 – Searching Public Records - Back-up and Security Copies.**

22
23 In order to prevent excessive interference with essential functions of the County, the
24 Public Records Officer shall not search backup or security systems for copies of public
25 records when the originals of such records have been identified, located and are
26 available for inspection and/or copying.

27
28 **Section 13 – Review of Denied Request.**

29
30 A. Any person who objects to the denial of a request for a public record may petition
31 the Prosecuting Attorney for prompt review of such decision by delivering a written
32 request to the Prosecuting Attorney and including all written responses by the Public
33 Records Officer or other County employee denying the request.

34
35 B. The Prosecuting Attorney shall affirm, modify or reverse the denial in writing within
36 five business days following receipt of the written request for review.

37
38 C. A requester's administrative remedies shall not be deemed exhausted until the
39 Prosecuting Attorney has made a written decision or until the close of the fifth business
40 day following the Prosecuting Attorney's receipt of the written request, whichever occurs
41 first.

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43 D. The County shall be deemed to have made a final decision denying a request for
44 public records only after a review conducted under this section has been completed.

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Section 14 – Electronic Information.

Electronic Records. The County produces and maintains data in electronic records to maximize efficiency in fulfilling its basic public service functions. These electronic records relate to the operation and conduct of County government and typically include financial data, property records, property assessment records, filed documents, maps, etc.

- A. Electronic records are public records subject to disclosure under the Public Records Act and this resolution, unless exempt from disclosure under state or federal law or the request is for proprietary data which the County has obtained under a licensing agreement that does not permit disclosure to third parties.
- B. At the option of the Public Records Officer, electronic records may be printed and provided in paper format. If the electronic record is large and/or not capable of being printed in an understandable format, then the electronic record may be provided in the digital format in which the record is maintained by the County. The County does not have the obligation to convert an electronic record to a digital format that is different than the format maintained by the County.
- C. Fees for providing electronic records in electronic form shall be based on the actual cost of the media used to provide the records. Overhead for information system acquisition and maintenance shall not be included in such fees.
- D. The County does not warrant or in any way guarantee the accuracy or completeness of electronic records. Requesters receiving electronic records shall be required to sign an acknowledgement of such disclaimer.
- E. The County has no obligation to create custom electronic products by acquiring data, running custom queries, programming software, testing models, reformatting data, or configuring a product in order to respond to a specific request. Custom electronic products are not public records subject to disclosure.

Section 15 – Copies of Resolution Available to Public.

Copies of this Resolution and public records request forms shall be available to the public, without cost, at each County office. Electronic copies shall be made available to the public on the County's website.