REQUESTS FOR PUBLIC RECORDS POLICY

CITY OF Clyde Hill

September 2010
CITY OF CLYDE HILL
PUBLIC RECORDS POLICY

Policy Intent and General Information:
The City is required by RCW 42.56.100 to adopt and enforce reasonable rules and regulations, consistent with the intent of the Public Records Act, chapter 42.56 RCW (the "Act"), to provide access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the City.

Within the spirit of the Act, these rules and regulations adopted by the City are intended to provide for timely action and for the fullest possible assistance on requests for public records. This policy is also intended to protect the integrity of the City's records and is sensitive to responding to proper requests without adversely interfering with other essential functions of the City.

Upon request, the City will make available any public record for inspection by the public and/or copying by the staff for the public unless the record is exempt from disclosure under chapter 42.56 RCW, chapter 10.97 RCW, chapter 13.50 RCW or other applicable statutes.

If a public record request is made when such record exists but is scheduled for destruction in the near future, the City will make every effort to retain possession of the record, and will not intentionally destroy or erase the record until the public records request is resolved.

It is not necessary that every requestor complete a form to obtain public records. Those records which clearly can be disclosed and are readily available without disrupting normal business operations may be provided to the requestor without the use of a form. The City will document the verbal request to the extent possible and practicable. When the requestor is seeking records, which are not readily accessible, or are questionable for disclosure, the form "Public Records Request" (Exhibit A) shall be completed by the person making the request.

Person Responsible to Implement Policy - Public Records Officer:
The City Administrator/Clerk serves as the City's Public Records Officer. The Public Records Officer is responsible for ensuring that City records are protected and is ultimately responsible for the implementation of this Public Records Policy. When there is a disclosure question or an accessibility concern by the staff or a requestor, the Public Records Officer will investigate and resolve the issue or matter at hand. In the event issues are not covered by this policy, the Public Records Officer may, in his or her discretion, follow the Public Records Act Model Rules located at chapter 44-14 of the Washington Administrative Code.
**Police Related Information Requests:**
Requests for police-related information are treated differently than other public record requests. Access to or copies of criminal history record information is covered under the attached police department policy.

**Prompt Response Goal/Installments:**
Within five business days of receiving a public records request, the City will either (1) provide the record; (2) acknowledge the receipt of the request and provide a reasonable estimate of the time that is required to respond to the request; (3) deny the request, in whole or in part, and provide specific statutory authority for the denial; or (4) request clarification if the request is unclear. Additional time may be required to respond based upon the need to clarify the intent of the request, to locate and assemble the records requested, to notify third persons or agencies affected by the request, or to determine whether any of the records requested are exempt from public disclosure. Public records may be provided on a partial or installment basis as records that are part of a larger set of requested records are assembled and made ready for disclosure.

**Request for Proprietary Information:**
Certain information which the City receives as part of a permit process from wireless communication providers is proprietary in nature, such as service area maps and plans. When the City receives requests for these types of records, the City will notify the wireless communication (WCF) provider that a request for potentially proprietary information has been received and provide the WCF with an opportunity to bring an action to prevent the disclosure. If the WCF provider does not bring an action to prevent disclosure within one week, the City will disclose the records.

**Disclaimer of Public Liability:**
Under RCW 42.56.060, the City, its public officials, public employees, and/or custodian will be shielded from liability for any loss or damage based upon the release of a public record. This liability shield applies when the City, public official, public employee, or custodian acted in good faith in attempting to comply with the provisions of the Public Records Act.

**Public Record Index:**
The City is responsible for keeping an index of the City's files and tapes for public review to assist in identifying a specific record request. The indexes are updated regularly, and are available upon request at the City Hall.

**Identifiable Public Records Requests:**
RCW 42.56.080 provides that "Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person. . . ." The use of the word "identifiable" in the statute means that the City is only required to disclose reasonably described records already in existence, since those are the only records that can be identified. The City is not required to generate records or analyze data in response to a request for information.

**City Response to Exempt or Partially Exempt Requests:**
If part of a requested public record is withheld because certain portions are exempt from disclosure, the form "Special Response to Request for Access (Portions Withheld)" (Exhibit B) shall be completed. If all of a requested record is exempt from disclosure,
the form "Denial of Request for Access" (Exhibit C) shall be completed and provided to the requestor.

Request Hours & General Copying Information:
Records will be available for inspection and copying during the customary office hours of City Hall, which are from 8:00 A.M. to 5:00 P.M., Monday through Friday, except legal holidays. Copies are available at a cost of 15 cents per page or as otherwise set forth on the attached fee schedule. The City may, at its discretion, require the requestor to deposit a sum in an amount not to exceed 10 percent of the estimated cost of providing copies for a request. If the records are made available on a partial or installment basis, the City may charge for each part of the request as it is provided. If an installment of a records request is not paid for or reviewed within 20 days after the City provides notice of availability of the installment, the City is not obligated to fulfill the balance of the request. In addition, because the City is prohibited from lending its credit, a requestor must prepay the estimated copy cost for any copies that must be made by an outside vendor. As copying facilities and the City’s files are located in an "Employee Only" area of City Hall, for security purposes and to avoid unreasonable disruption of operations, the City cannot offer these facilities for public use.

Minutes, Ordinances, Agendas, Resolutions:
Readily accessible copies of records that include approved minutes, agendas, ordinances and resolutions can be reviewed at City Hall without charge. Draft minutes can be made available for review or copying once they have been transcribed and reviewed by the City Administrator/Clerk, and with the understanding that they have not been officially approved.

The City Council or other Commission or Board agenda sheets shall be available upon request and without charge, usually on the Friday preceding their meeting. Requests for multiple copies or requests for historical information will be processed at 15 cents per page and within the constraints of the normal records request procedure. Many of these records may also be found on the City’s website.

Meeting Information:
Informational items for meetings of the City Council or for other Commissions or Boards will be available in City Hall for audience use, usually by the Friday before the meeting. A request for multiple copies of this information will be processed at 15 cents per page and within the constraints of the normal request for records procedure. Meeting information may also be found on the City’s website.

Audio Recordings:
Tapes or CD’s of meetings will be available for listening at the City Hall without charge. Requests to listen to audio tapes or CD’s shall be made one day in advance to allow for the time necessary to make them available. Multiple requests may take more than one day before they are made available. Requests for duplicates of audiotapes or CD’s will take a minimum of one day to complete. The fee will be $15.00 for each tape or CD requested. Due to consistency problems with equipment, the City will supply the tape or CD as part of the above fee.

Statement of Restrictions on Real Property
State law requires the City to provide property owners (or persons with a contract to purchase property) certain zoning information upon request. When such a request is
made, the form shown on Exhibit E should be completed. It is important to verify the following: (1) that the requestor is either the owner of the property or is a purchaser of the property under a recorded real estate contract, (2) that the property is within the City, and (3) that the property either contains a single family residence or is less than five acres in size. Unless these three requirements are met, the City is not required to provide a statement of restrictions. Upon receiving a valid request for a statement of restrictions, the City must respond by providing the statement of restrictions within 30 days.

The statement of restrictions must include: (1) the zoning currently applicable to the property; (2) any pending zoning changes currently advertised for public hearing that would be applicable to the real property; and (3) any designations made by the City pursuant to the Growth Management Act or any portion of the real property as agricultural land, forest land, mineral resource land, wetland, an area with a critical recharging effect on aquifers used for potable water, a fish and wildlife habitat conservation area, a frequently flooded area, and as a geological hazardous area.

Other Records, Information, Services or Published Documents:
Copies of published documents, such as the budget, maps, environmental impact statements, programs, plans, etc. will be generally available at City Hall, per the attached fee schedule. Many of these records may also be found on the City’s website.

Protection of Original Records:
In order to protect the integrity of public records from loss, damage, or disorganization, the City will allow original records to be reviewed under the following guidelines:

1. No original records may be removed from City Hall unless court ordered.
2. Original files or books will only be released one at a time for review.
3. To protect from accidental erasures or problems with equipment compatibility and accessibility, a certified copy of the original requested recording(s) will be available for listening at City Hall. Requests to listen to recording(s) shall be made one day in advance to allow for the time necessary to make the recording(s) available. Multiple requests may take more than one day before they are made available.

Explanation of City Forms

Exhibit A:
The form "Request For/Access to Public Records" is used when a request is received for records, which cannot be immediately addressed and will need more time to research or provide. Also, it is used when there is concern that portions of the requested records may be exempt from disclosure. This process allows the City time to search for the record, without adversely affecting normal operations, or when appropriate, time to determine if any portion of the request is exempt.

Exhibit B:
The form “Special Response to Request for Access (Portions Withheld)” is used when a portion of a record(s) is withheld, stating the basis for the withholding.
Exhibit C:
The form "Denial of Request for Access" is used when a complete record is denied based upon a statutory exemption. The form is completed citing the section of the statute for the complete exemption of the record.

Exhibit D:
This form is used to notify an employee that a request for records relating to the employee has been received and asks the employee to notify the City if he/she disputes that the records requested should be disclosed under the Public Records Act.

Exhibit E:
This form "Statement of Restrictions for Real Property" is used to request certain zoning information for property within the City boundaries. State law requires the City to provide property owners (or persons with a contract to purchase property) certain zoning information upon request.

Exhibit F:
This form is used to notify a WCF provider that a request for potentially proprietary information regarding the provider's company has been received and asks the WCF provider to notify the City if he/she disputes that the records requested should be disclosed under the Public Records Act.

List of Exemptions

Pursuant to RCW 42.56.070, the City of Clyde Hill is required to publish and maintain a current list containing every law that the City believes exempts or prohibits disclosure of specific records of the City. The City adopts by reference the exemptions from public disclosure contained in chapter 42.56 RCW, including any future amendments thereto or recodification thereof, along with any other exemption or exception to the Public Records Act provided by law, including but not limited to those exemptions set forth in Appendix C to "Public Records Act for Washington Cities and Counties," Municipal Research and Services Center, Report No. 61, May 2007, as may be amended from time to time, a copy of which shall be maintained in the office of the City Administrator/Clerk.
## Public Records Requests

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<td>$.25/page</td>
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<tr>
<td>24&quot; x 36&quot; (off site costs)</td>
<td>$8.00 single copy</td>
<td>$8.00 single copy</td>
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<tr>
<td></td>
<td>$1.50 for multiple copies ($7.50 minimum order)</td>
<td>$4.00 for multiple copies ($7.50 minimum order)</td>
</tr>
</tbody>
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Ordinances, Resolutions or Findings - First copy free; all others $.15/page

### Scan/Re-format into a PDF:

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City only has the in-house ability to scan documents 11" x 17" and smaller

### Distribution of Records:

- On site review of documents: No Cost
- CD/DVD Burn: $5.00/CD or DVD
- Send via E-Mail: No Cost
- Send via Mail: Actual Cost

### Audio Duplication:

- on CD/DVD: $5.00/CD or DVD
- on Tape: $15/tape

**NOTE:** Any other item not specifically enumerated on this list will be charged at a rate that will reimburse the City for its cost of duplicating that item.
EXHIBIT A

See forms below for Police Department and for other non-police record requests.

Public Records Request

Requests accepted by mail, fax, or in-person only. We do not accept Records Requests by phone or email.

The following information is to be filled out by the person requesting records.

Date of Request: __________________________________________

Name of Requestor: _________________________________________

Address: __________________________________________________

City: __________________________ State: ______________ Zip: _________

Phone: (____) __________________________

Email Address of Requestor: _____________________________________

Title of Record(s) (if known): ________________________________

Date of Record(s) (if known): ________________________________

Location of Record (Department - if known):

Please describe the records you are requesting and any additional information that will assist us in locating this information for you as quickly as possible. Failure to provide information sufficient to identify the records may result in denial of the request.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

I understand I may review records without charge. I further understand that if I request copies, I must pay the City's actual per page cost, plus the actual reproduction cost of non-paper records. I agree to prepay all duplication charges associated with my request.

☐ I wish to have copies/duplicates of the records indicated above.

☐ I wish to make an appointment to review the records indicated above before copies are made.

Method by which I would like to receive the information I have requested:

☐ Mailed to me

☐ Call me and I will pick up in person

I certify that any lists of individuals obtained through this request for public records will not be used for commercial purposes, per RCW 46.56.070(9)

______________________________ ____________________________
Signature Date

For City Staff use only:

Date received: Comments:

Date completed:

Request denied: Yes ☐ No ☐

Copies provided: Yes ☐ No ☐ Fee $ __________ Total $ __________

Request completed by:
Public Records Request

Requests accepted by mail, fax, or in-person only. We do not accept Records Requests by phone or email.

The following information is to be filled out by the person requesting records.

Date of Request: ____________________________

Name of Requestor: ________________________________________________

Address: __________________________________________________________

City: ___________________  State: __________  Zip: __________

Phone: __________________________

Email Address of Requestor: _________________________________________

Title of Record(s) (if known): _______________________________________

Date of Record(s) (if known): _______________________________________

Location of Record (Department - if known): __________________________

Please describe the records you are requesting and any additional information that will assist us in locating this information for you as quickly as possible. Failure to provide information sufficient to identify the records may result in denial of the request.

______________________________________________________________

I understand I may review records without charge. I further understand that if I request copies, I must pay the City's actual per page cost, plus the actual reproduction cost of non-paper records. I agree to prepay all duplication charges associated with my request.

☐ I wish to have copies/duplicates of the records indicated above.

☐ I wish to make an appointment to review the records indicated above before copies are made.

Method by which I would like to receive the information I have requested:

☐ Mailed to me

☐ Call me and I will pick up in person

I certify that any lists of individuals obtained through this request for public records will not be used for commercial purposes, per RCW 42.46.070(9)

__________________________  ____________________________
Signature                        Date

For City Staff use only:

Date received: ____________________________  Comments:

Date completed: ____________________________

Request denied:  ☐ Yes  ☐ No

Copies provided:  ☐ Yes  ☐ No  Fee $ _______  Total $ __________

Request completed by: ____________________________
SPECIAL RESPONSE TO REQUEST FOR ACCESS
(PORTIONS WITHHELD)

The City of Clyde Hill received a request for access to a public record from:

Name: _______________________________ Date: ________________
Address: ______________________________________________________
_____________________________________ Telephone: ______________

In response to this request, the City is making available the following public records:

________________________________________________________________
________________________________________________________________
________________________________________________________________

Certain portions have been withheld pursuant to (insert legal authority):

________________________________________________________________
________________________________________________________________

Give brief explanation of how exemption applies to the record withheld:

________________________________________________________________
________________________________________________________________

I have been provided access to the above-described public record(s).

_________________________ ______________________________
Date Signature
DENIAL OF REQUEST FOR ACCESS

On __________________, the City of Clyde Hill received a request from:

__________________________________________________________

for access to a public record(s). In response to this request, the City is withholding the following records:

__________________________________________________________

__________________________________________________________

These records are being withheld pursuant to:

__________________________________________________________

__________________________________________________________

Briefly, this exemption applies to the record withheld because:

__________________________________________________________

__________________________________________________________

These exemptions authorize the withholding of the public record(s) being requested. The public record(s) to which access was requested is exempt from disclosure requirements by State law. Therefore, the request for access to the above-described record(s) is denied.

CITY CERTIFICATION

I certify under penalty of perjury that on __________________ I hand-delivered/mailed to __________________ at __________________ the Denial of Request for Access document on which this certification appears.

Date Signed ___________________ Agent for the City of Clyde Hill
Dear Employee:

We have received a public records request from ____________________________ for the following records:

________________________________________________________________________

________________________________________________________________________

As a courtesy to current and previous employees, the City may provide those persons affected by a request for records the opportunity to exercise their rights under the law. The City is under no statutory obligation to notify an employee that a request has been made. However, the City is legally obligated to disclose these records promptly unless they are exempt or you have filed a lawsuit against the City to prevent release of the record(s) as authorized under RCW 42.56.540.

Our initial review of your file indicates that the following records must be disclosed:

________________________________________________________________________

________________________________________________________________________

If you dispute that the records are subject to disclosure under the Public Records Act, I would be happy to discuss it with you. As I mentioned earlier, the City is required to disclose these records promptly. Unless we hear otherwise from you by __________________________, at _____________ AM/PM, we will be disclosing the records.

Please feel free to give me a call with any questions.

Sincerely,

City Administrator
REQUEST FORM -- STATEMENT OF RESTRICTIONS FOR REAL PROPERTY

NOTE: The City is not required to provide a Statement of Restrictions unless the applicant is an owner or buyer under a recorded real estate contract in which the seller is the owner, and the property contains a single family residence or is greater than 5 acres in size. See RCW 35A.21.280.

OWNER’S NAME: __________________________________________________________
(First)   (Middle)   (Last)

APPLICANT’S NAME: _______________________________________________________
(First)   (Middle)   (Last)

RELATIONSHIP TO OWNER: ________________________________________________

MAILING ADDRESS: ______________________________________________________

PROPERTY ADDRESS: ____________________________________________________

PROPERTY TAX PARCEL NO.: ______________________________________________

PLEASE CHECK APPLICABLE BOX:

The Property:   ( ) contains a single family residence
                  ( ) is less than five acres in size
                  ( ) neither of the above


Dated:___________________    Signature:___________________________________

__________________________________________________________

FOR INTERNAL USE ONLY

ACTION TAKEN:
Date Request Received:__________               ( ) Statement of Restrictions Sent
Date Response Provided:__________               ( ) Application Denied
Dear WCF Provider:

We have received a public records request from ________________________________
____________________ for the following records:

__________________________________________________________________

__________________________________________________________________

As a courtesy to our WCF providers, the City may provide those persons affected by a request for potentially proprietary information the opportunity to exercise their rights under the law. The City is under no statutory obligation to notify a WCF provider that a request has been made. However, the City is legally obligated to disclose these records promptly unless it is exempt or you have filed a lawsuit against the City to prevent release the record(s) as authorized under RCW 42.56.540.

Our initial review of your file indicates that the following records must be disclosed:

__________________________________________________________________

__________________________________________________________________

If you contend that the records are subject to disclosure under the Public Records Act, I would be happy to discuss it with you. As I mentioned earlier, the City is required to disclose these records promptly. Unless we hear otherwise from you by ________________________, at _____________ AM/PM, we will be disclosing the records.

Please feel free to give me a call with any questions.

Sincerely,

City Administrator
CLYDE HILL POLICE DEPARTMENT
CRIMINAL RECORDS DISCLOSURE POLICY

Effective: July 2008

Dissemination of Criminal History Record Information

References: Chapters 10.97; 13.50; 42.56; 46.52 RCW

A. PURPOSE.
To establish a comprehensive guideline for the privacy, security, and dissemination of Criminal History Record Information (records) maintained by Clyde Hill Police Department (department).

B. DEFINITIONS. (RCW 10.97.030)
1. Criminal History Records Information (records). Records including all information generated, collected, stored, or maintained by the department and information, including state or local records of arrest and conviction (rap) sheets obtained by the department from another agency and retained for the department's use are considered records. These records contain:
   a. An individual's name.
   b. The date and place of arrest, charge or detention.
   c. Notations of arrest, detention, indictments, information (see definition below), or other formal charges.
   d. Any disposition of arrest, charge or detention.
   e. The name of the arresting and/or charging agency.

2. Nonconviction Data. Nonconviction data are all records relating to an incident, which has not led to a conviction or other disposition adverse to the subject and for which proceedings are no longer actively pending. Nonconviction data includes:
   a. Police decisions not to charge or refer a case to the prosecutor.
   b. Prosecutorial decisions not to charge.
   c. Dismissals, except dismissals following probations, suspensions or deferral.
   d. Acquittals.
   e. Arrest information more than one year old with no related disposition and with respect to which the prosecutor will not certify in writing that proceedings are still pending,
3. **Conviction Records.** All records relating to an incident, which led to a conviction or other disposition adverse to the subject, are conviction records.

4. **Conviction or Other Disposition Adverse to the Subject.** Any disposition of charges except a decision not to prosecute, a dismissal, or an acquittal is a disposition adverse to the subject. A dismissal after probation, suspension or deferral is also a disposition adverse to the subject.

5. **A Criminal Justice Agency (CJA).** A court or a local, state or federal agency, which administers criminal justice pursuant to statute or executive order, is a criminal justice agency. Criminal Justice Agencies include sub units of noncriminal justice agencies if the sub unit allocates a substantial part of its annual budget to and has as its primary function the administration of criminal justice. The following agencies are considered criminal justice agencies:

   a. Washington State Patrol, including the State Identification Section.

   b. Foreign, state and local governmental law enforcement, prosecutorial and correctional agencies or departments.

   c. Courts at any level if they exercise criminal jurisdiction.

   d. Adult Corrections Division of the Department of Social and Health Services, including institutions, probation and parole services, and appropriate certified sub units.

   e. The Board of Prison Terms and Paroles.

   f. The Office of Information Systems of the Department of Social and Health Services, and any other agency that collects, stores and disseminates records.

   g. An agency or sub unit that has been certified as a criminal justice agency by the Washington State Patrol (WAC 446-20-060).

   h. Enforcement division of the liquor control board.

   i. Department of Labor and Industries crime victims compensation unit.

   j. State Fire Marshal.

6. **Administration of Criminal Justice.** The detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of an accused person or criminal offenders is administration of criminal justice. The administration of criminal justice includes criminal identification activities, the collection, storage and dissemination of records and the compensation of victims of crime. The administration of criminal justice does not include crime prevention activities as a sole function or criminal defense activities.
7. **Disposition.** The formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system is disposition. Statement of disposition is used interchangeably with disposition.

8. **Dissemination.** Disclosing records or the absence of records to any person or agency outside the department is dissemination.

Dissemination includes:

a. Confirming the existence or nonexistence of records.

b. Disclosing records to the subject thereof.

Dissemination does not include:

a. Furnishing records to personnel of any criminal justice agency, which jointly participates with the department in the maintenance of a single record keeping department.

b. Furnishing records of one Criminal Justice Agency to another for the purpose of processing a matter through the criminal justice system.

c. Reporting an event to a record-keeping agency for the purpose of maintaining the record.

9. **Information.** A formal accusation or complaint, filed by a prosecuting attorney or other law officer, charging a person or corporation with some crime or violation of law.

10. **Processed by the Criminal Justice System.** All proceedings from arrest through correctional supervision and final disposition is being processed by the criminal justice system.

C. **DISSEMINATION OF RECORDS.** (RCW 10.97.040)

1. All requests for records shall be responded to within five business days of receipt of the request in accordance with the City’s Public Records Policy.

2. All records about an arrest, detention, indictment, information, or containing other formal charges made after December 31, 1977 shall not be disseminated without a statement of disposition (disposition) unless:

   a. A disposition, having occurred within ten days before dissemination had not been formally reported to the department before dissemination; or

   b. Information has been received by the agency within the 72 hours immediately preceding the dissemination.

3. State records of arrest and conviction (rap sheets) may only be disseminated to other criminal justice agencies for criminal justice purposes.
4. If the criteria established in Section C of this policy are met, the following records may be disseminated without further restriction. If it is known that a conviction is on appeal then this information shall also be included in any dissemination.
   a. Conviction records; or
   b. Information about an incident for which a person is currently being processed by the criminal justice system.

5. Records including information concerning a felony or gross misdemeanor shall not be disseminated without first making an inquiry to the Washington State Identification Section (WSIS) to obtain the most current and complete information available, unless:
   a. Information is needed for the administration of criminal justice and there is not enough time for WSIS to respond to the request for current and complete information;
   b. The information requested is within the direct knowledge of the department (Clyde Hill Police Department case and Clyde Hill is known to have the most current information);
   c. The information requested was contained in a summary sheet issued by the WSIS to the department not more than 30 days before intended dissemination of the records;
   d. The information is contained solely within departmental files and is disseminated pursuant to statute, executive order, court rule, or court order; or
   e. The information is for the express purpose of research, evaluation, or statistical activities based upon information maintained in department files and the information is obtained through a contract with the department.

6. Records concerning a misdemeanor shall not be disseminated without first making an inquiry to the district court having jurisdiction for the most current disposition information available.

7. The statements of drivers, passengers or witnesses in traffic accident reports are considered confidential and shall not be released or disseminated pursuant to Chapter 46.52 RCW.

8. All requests for juvenile records should be directed to the King County Prosecutor's office, Juvenile Division. The City shall cooperate with this division of the King County Prosecutor's office and provide them with copies of originals of records if requested. The name and identifying information of a child victim of a sex crime who is under 18 years of age are to be kept strictly confidential unless there is written permission from the child or his/her guardian. (See Chapter 13.50 RCW, RCW 42.56.240(5), and RCW 10.97.130.)

9. Records concerning nonconviction data may be disseminated as follows:
   (RCW 10.97.050)
a. To another criminal justice agency such as the Washington State Patrol, for the administration of criminal justice.

b. To another criminal justice agency for the purpose of the possible employment of the subject of the nonconviction data.

c. To implement a statute, ordinance, executive order, or a court rule, decision or order which expressly authorizes or directs that nonconviction data be available or accessible for a specific purpose.

d. To individuals and agencies pursuant to our contract with a criminal justice agency to provide services related to the administration of criminal justice. The contract shall expressly limit use of the records for only the stated purposes and ensure confidentiality and security of the information.

e. Individuals and agencies pursuant to a contract for the express purpose of research, evaluation, or statistical activities. The contract shall limit use of the records for only the stated purposes and must ensure confidentiality and security of the information.

10. It shall be the responsibility of the Clyde Hill Police Department office manager to ensure that adequate records are maintained by the department concerning the dissemination of records. The office manager shall retain such dissemination records for not less than one year. These records shall include, but not be limited to, the following:

   a. To whom the records were disseminated.
   
   b. The date of dissemination.
   
   c. The name of the subject of the records.
   
   d. A brief description of the information disseminated.

11. The identity, last known address and other necessary information of the person(s) suspected of being responsible for the loss, damage or injury, without regard to suspect's age, and despite whether charges have been filed, declined or dismissed may be given to persons who verify in writing that they have suffered physical loss, property damage, or injury that is compensable through civil action. (RCW 10.97.070)

D. NONCONVICTIO7N DATA - VIEWING RECORDS. (RCW 10.97.080; Hudgens v. City of Renton, 49 Wn.2d 842 (1987))

1. Nonconviction data may be viewed provided that such "release" of information does not violate the provisions found in Chapter 42.56 RCW. A careful review of this statute should be made before the records are open to viewing. If in doubt, contact should promptly be made with the City Administrator or the City Attorney's office. A response under Section C (1) above must be made within five business days of receipt of the public records request.
2. If after reviewing these statutes, release is required and if the information is "questionable" or there is any concern on the part of the department, the department may contact in writing the subject of the records prior to release, inform the subject of the City's intent to release the records, and that the subject may pursue injunctive proceedings to attempt to stop the release of those records. In these cases, contact should also be made with the City Administrator and the City Attorney.

3. Records being reviewed must not leave the immediate control of the departmental representative providing the information.

4. No person may retain or reproduce any nonconviction information except for the purpose of challenge or correction, in accordance with Section F below.

E. DELETION OF NONCONVICTION RECORDS, (RCW 10.97.060)

1. Nonconviction records are generally used to respond to criminal history inquiries from other agencies. These records can also be used to identify the individual who is the subject of the records. Records consisting solely of nonconviction data are subject to deletion from departmental files. Deletions of nonconviction records will not be made except at the written request of the subject of such records.

2. Nonconviction records will not be deleted if:
   a. The disposition of the record was a deferred prosecution or similar diversion of the alleged offender which has not become nonconviction data, or
   b. The subject of the record has had a prior felony or gross misdemeanor conviction, or
   c. The subject of the record has been arrested or charged with another crime in the intervening period, or
   d. The subject of the record is a fugitive, or
   e. The case is under active prosecution according to current written certification by the prosecuting attorney.

3. Nonconviction records qualify for deletion if they meet the requirements of this paragraph. If any of the circumstances of paragraph E (2) above are present, nonconviction records may not be deleted.
   a. The record is maintained in the type of file identified in paragraph E (1) above, and
   b. Two years or longer have elapsed since the record became nonconviction data as a result of the entry of a disposition favorable to the defendant, or
   c. Three years have passed from the date of arrest or the issuance of a citation or warrant for an offense for which a conviction was not obtained.
4. Any record may be deleted or modified by court order pertaining to a particular case, individual or event.
   a. All such court orders shall be referred, with a copy of the record concerned, to the City Attorney before taking any action on the subject record.
   b. Upon notification from the City Attorney, the department shall take such action as the court order directs unless the City Attorney requests that the record be forwarded to her/his office for purposes of appeal.

F. CHALLENGES OF RECORDS. (RCW 10.97.080)

1. Any person who believes he/she is or may be the subject of records maintained by the department may, by appropriate request, review such records. This right to access and to review records does not include the right to review information contained in intelligence, investigative or similar files when nondisclosure is necessary for effective law enforcement.

2. Requests for review of records are to be made during normal business hours and in writing on a form provided at the department. These requests for review shall be made by the person whose file is subject to review. The requesting person must provide suitable identification. Suitability of identification shall be determined by the department supervisor.

3. An appointment will be made for the requested review of the records during normal business hours within five working days from the date of the request.

4. The subject of records must appear to personally review the records, however, he/she may be accompanied by counsel, an interpreter or other person designated by the subject.

5. All challenges to the records are to be reviewed by the departmental supervisor before either correction or refusal to correct is made.

6. Records maintained by the department may be challenged on the basis of accuracy, completeness or legal basis for being maintained. This challenge may be made in whole or in part by the subject of the record. All challenges shall clearly identify the record being challenged and shall be made during normal business hours and submitted on forms provided by the department.

7. If the record being challenged originated from another Washington agency the department shall:
   a. Supply the subject with the address of the originating agency.
   b. Forward a copy of the challenge to the originating agency along with a copy of the challenged record.
   c. Check departmental records to ensure that the records are correctly recorded.
8. If the department originally submitted or generated the record being challenged, then the Clyde Hill Police Department shall acknowledge receipt of the challenge within ten business days of receipt. Within an additional ten business days of acknowledgment of receipt, the department shall amend any records found inaccurate, incomplete or maintained in violation of the law. If the department fails to amend the records it shall inform the subject challenging the records, in writing, of the department's refusal to amend, its reasons for refusal and the procedures for appeal of the refusal.

9. If the department, as originating agency, corrects or amends challenged records, it shall provide to the subject the names of all noncriminal justice agencies or persons to which the incorrect records were disseminated. The department shall also disseminate to everyone who has been provided copies of the incorrect data within the previous one year, corrected or amended records.

10. If the department determines that it has generated significantly inaccurate but unchallenged records it shall correct these records and disseminate corrected records to everyone who has received these erroneous records within the preceding one year and also disseminate corrected records to the subject of these records.

G. REVIEW OF REFUSAL TO AMEND RECORDS.
   1. The subject of the challenged records which the department has refused to amend or correct may request review of this refusal by the Clyde Hill Chief of Police. All requests for review must be made in writing and within twenty days of the subject's receipt of the refusal to amend.

   2. The Chief of Police shall make a final determination of the challenge within thirty days of the date review was requested unless the review period is extended an additional thirty days for good cause. This extension of an additional thirty days shall only be made in extremely extenuating circumstances and only with the concurrence of the Clyde Hill City Administrator/Clerk.

   3. The subject of the challenged records shall be notified in writing of the final decision of the Chief of Police. All refusals shall be reported to the Clyde Hill City Administrator/Clerk along with reasons for this refusal.