

REQUESTS
FOR PUBLIC
RECORDS
POLICY





9605 NE 24th Street • Clyde Hill, Washington 98004
425-453-7800 • Fax: 425-462-1936 •
www.clydehill.org

CITY OF CLYDE HILL **PUBLIC RECORDS POLICY**

ADOPTED BY RESOLUTION NO. ____

I. PUBLIC RECORDS ACT POLICIES AND PROCEDURES

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, 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 Public Records 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.

The City will honor requests made via mail, email, phone, fax, or in person during the City's normal business hours. No official format is required for making a records request; however, the City strongly encourages requestors to use the public records request forms in Exhibit A: and, particularly when the requestor is seeking records that are not readily

accessible or are questionable for disclosure. The City will document verbal requests to the extent possible and practicable. The best practice, especially for broad or complicated verbal requests, is for City staff to transcribe the request; ask the requestor to read the request; and have the requestor confirm, in writing with a signature, that the written request accurately captures his or her intent.

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 Records Requests:

For the most part, requests for police-related records are governed by the same laws that govern other Public Records Act requests. There are some Public Records Act exemptions and processes that apply specifically to police records, however. These exemptions are discussed more thoroughly in a separate policy titled "Clyde Hill Police Department Public Records Policy." Any aspect of Public Records Act requests for police-related records not specifically addressed in the Clyde Hill Police Department Public Records Policy is governed by this policy.

Prompt Response Installments:

Within five business days of receiving a public records request, the City will either (1) provide a copy of the record (if payment is arranged) or make the record available for inspection; (2) provide an internet address and link to the specific records requested if those records are posted on the City's website; (3) acknowledge the receipt of the request and provide a reasonable estimate of the time that is required to respond to the request; (4) request clarification if the request is unclear and, to the greatest extent possible, provide a reasonable estimate of the time that will be required to respond to the request if it is not clarified; or (5) deny the request, in whole or in part, and provide specific statutory authority for the denial. 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. If a requestor fails to respond to the City's request for clarification within 15 days, the City will proceed with the request and will attempt to respond to the parts of the request that are clear. If the entire request is unclear, and the requestor does not respond to a request for clarification within 15 days, the City need not respond to the request, and may treat the request as resolved. 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.

Third Party Notice:

In some situations, the City may receive requests for records of a sensitive nature that the City considers disclosable under the Public Records Act. In these situations, the City has discretion to notify third-parties whose interests may be implicated in disclosure to give those people an opportunity to seek an injunction. When the City decides to issue third-party notice, it will use the General Third-Party Notice Form attached as Exhibit E to this policy. This form notifies third parties of the pending requests, asks them to contact the City if they disagree that the requested records may be disclosed, and notifies them of their right to seek an injunction prohibiting disclosure from a court under RCW 42.56.540. If a court does not issue an injunction, 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 Records Request Log:

The City is responsible for keeping a log of public records requests. The log shall include, at the least, (1) the identity of the requestor (if known), (2) the date the request was received, (3) the text of the original request, (4) a description of the records produced in response to the request, (5) a description of the records redacted or withheld and the reasons for redacting or withholding, and (6) the date of the final disposition of the request. This log is a public record, and the City must retain this log according to the relevant records retention schedule.

Public Records Index:

Under RCW 42.56.070(3), all agencies governed by the Public Records Act must maintain an index identifying and cataloging certain records produced by the agency. An agency may forgo the indexing requirement if it issues a formal order finding it unduly burdensome to maintain an index. See RCW 42.56.70(4). The City issued a formal order to this effect in the form by resolution, on file with the City Clerk, and will therefore not maintain an index of public records. Any records indices the City maintains for its own use will be public documents subject to disclosure.

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. A request for all or substantially all records prepared, owned, used, or retained by an agency is not a valid request for identifiable records, though a request for all records regarding a particular topic or containing a particular name or keyword is. If the same requestor makes multiple requests within the same 24-hour period and the City reasonably believes the

requests are generated by a computer program or script, the City can ignore all but one of the requests if responding to multiple requests would excessively interfere with the essential functions of the City.

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 Special Response to Request for Access (Portions Withheld) Form (Exhibit C) shall be completed. If all of a requested record is exempt from disclosure, the Denial of Request for Access Form (Exhibit D) shall be completed and provided to the requestor.

Request Hours, General Copying Information, and Fees:

Records will be available for inspection and copying during the customary office hours of City Hall, located at 9605 NE 24th Street, Clyde Hill, Washington 98004, which are from 8:00 A.M. to 5:00 P.M., Monday through Friday, except legal holidays. Copies are available at a cost set forth on the Public Records Request section of the City's master fee schedule. The City's fee schedule includes statutory default costs under RCW 42.56.120. The City adopted a finding that it would be unduly burdensome to calculate actual costs by resolution, thereby authorizing it to impose statutory default fees. The City may, at its discretion, enter into contracts, memoranda of understanding, or other agreements with a requestor that provide for alternative fee arrangements. The City may also, at its discretion, waive fees for small requests. The City will waive fees when it provides case reports and other Police Department records documenting criminal incidents to the victim of a crime documented in the records.

In addition to the fees set forth in its fee schedule, the City may impose a customized service charge if the City reasonably estimates that responding to the request will require special information technology expertise to prepare data compilations or provide customized electronic access services, provided that the information technology expertise will not provide a service that the City would also use for other purposes. The customized service charge cannot exceed the actual cost to the City of the services, and the City must provide notice to the requestor before imposing the charge that explains the reasons for imposing the charge, the specific services provided, and the estimated amount of the charge. The notice must also give the requestor an opportunity to modify his or her request to avoid the charge.

A requestor may ask for a summary of applicable charges before any copies are made or produced. If asked, the City must provide such a summary, and must provide the requestor an opportunity to revise his or her request to avoid applicable charges.

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, including any applicable customized service charge. 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 15 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, 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 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 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. Fees for audio tapes or CD's will be assessed in accordance with the City's fee schedule. Due to consistency problems with equipment, the City will supply the tape or CD as part of the above fee.

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 Public Records Act 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. Requestors cannot remove original records from City Hall unless authorized or ordered by a court.
2. Original files or books will only be released one at a time for review.

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.

Internal Review Process:

Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the City Clerk for a review of that decision. Requestors seeking review of a denial or partial denial must use Request for Review of Denial or Partial Denial Form attached in Exhibit F. Once received, the Public Records Officer will immediately consider the petition and either affirm or reverse their original denial within two business days following the city's receipt of the petition, or within such other time as the city and the petitioner mutually agree to. Any person may obtain review of denials of public records requests pursuant to RCW 42.56.550 from the King County Superior Court, regardless of any internal administrative appeal.

II. EXPLANATION OF CITY FORMS

Public Records Request Form

Requestors should use the Public Records Request Form in Exhibit A: when seeking general City records that are not readily accessible, or are questionable for disclosure. The form should be completed by the person making the request.

Police Department Public Records Request Form

Requestors should use the Police Department Public Records Request Form in Exhibit B when seeking police-related records that are not readily accessible, or are questionable for disclosure. The Form should be completed by the person making the request.

Special Response to Request for Access (Portions Withheld)

The City will use the Special Response to Request for Access (Portions Withheld) in Exhibit C when a portion of a record(s) is withheld. The City will state the basis for the withholding on the form.

Denial of Request for Access Form

The City will use the Denial of Request for Access Form in Exhibit D: when an entire record is withheld based upon a statutory exemption. The form should be completed with citations to the section of the applicable statute completely exempting the record.

General Third-Party Notice Form

The City will use the General Third-Party Notice Form in Exhibit E to notify any other person that his or her interest may be implicated in a public records request. The form asks the third-party to notify the City if he or she disputes that the records requested should be disclosed under the Public Records Act, and informs the third party that he or she has the right to seek an injunction against disclosure under RCW 42.56.540.

Request for Review of Denial or Partial Denial

Requestors will use the Request for Review of Denial or Partial Denial in Exhibit F when seeking reconsideration of a decision by the City to either withhold or redact records in response to a public records request. Third parties asking the City to withhold records should not use this form—third parties may make these requests by ordinary correspondence with the City.

III. 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, 2016, as may be amended from time to time, a copy of which shall be maintained in the office of the City Administrator/Clerk.

IV. EXHIBITS

EXHIBIT A: Public Records Request Form



9605 NE 24th Street • Clyde Hill, Washington 98004
425-453-7800 • Fax: 425-462-1936 •
www.clydehill.org

Public Records Request

Requests accepted by mail, email, fax, phone, or in-person. Use of this form is encouraged for all requests.

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 applicable copying fees, as set out in the City's fee schedule. I agree to prepay all duplication charges associated with my request if requested.

- I wish to have copies/duplicates of the records indicated above.
- I wish to have electronic copies 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 records I have requested:

- Emailed to me
- 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:

<i>Date received:</i> _____	<i>Comments:</i> _____
<i>Request denied:</i> ___ Yes ___ No	<i>Copies provided:</i> ___ Yes ___ No <i>Fee \$</i> _____ <i>Total \$</i> _____
<i>Date completed:</i> _____	<i>Request completed by:</i> _____

EXHIBIT B: Police Department Public Records Request Form



9605 NE 24th Street
 Clyde Hill, WA 98004
 Phone: 425-453-7800
 Fax: 425-462-1936

Public Records Request

Requests accepted by mail, email, fax, or in-person.

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: _____

Case or Incident number: _____

Date of Record: _____

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 applicable copying fees. I agree to pay 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:

- Emailed to me (must provide email address above)
- Mailed to me (must provide mailing address above)
- 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 Police Department Staff use only:

Date received:	Comments:		
Date completed:			
Request denied:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Copies provided:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Fee \$ _____ Total \$ _____
Request completed by:	Postage \$ _____		

EXHIBIT C: Special Response to Request for Access (Portions Withheld) Form

CITY OF CLYDE HILL
9605 NE 24TH STREET
CLYDE HILL, WASHINGTON 98004
(425) 453-7800

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

EXHIBIT D: Denial of Request for Access Form

CITY OF CLYDE HILL
9605 NE 24TH STREET
CLYDE HILL, WASHINGTON 98004
(425) 453-7800

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

EXHIBIT E: General Third-Party Notice Form

CITY OF CLYDE HILL
9605 NE 24TH STREET
CLYDE HILL, WASHINGTON 98004
(425) 453-7800

Dear _____:

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

As a courtesy to third parties, 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 and obtained an injunction against disclosure 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

EXHIBIT F: Request for Review of Denial or Partial Denial Form



Request for Review of Denial of Public Records Request

Use this form to request a review of a denial or partial denial of a public records request. Please mail this form to the address above or email the form to _____

Original Request Information

Date of Request: _____

Name of Requestor: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email Address of Requestor: _____

Denial Information: Please identify the person who denied your request and the records withheld or redacted. If possible, please attach a copy of the City's original decision denying your request in whole or in part.

Name of Person Who Denied Request: _____ Date of Denial: _____

City's stated reason for withholding or redacting records:

Records withheld or redacted:

Request for Review Information: In the space below, please explain the reasons you think the City made the wrong decision in withholding or redacting records. Please explain any additional facts that would be relevant to the City's review, or additional law that you think shows the City's decision was in error. The more specific your description, the easier it will be for the City to reevaluate its decision. You may attach additional pages if necessary.

The City will review your request for reconsideration and respond within two business days. Please note that you have a right to seek judicial review of the City's decision independent of the City's reconsideration process.

I certify that the above information I have provided is true and correct.

Signature of Requestor

Date

For City Staff use only:

Date received: _____	Comments: _____
Request for Reconsideration denied: ___Yes ___No	
Date completed: _____	Request completed by: _____