

**City of Port Townsend
Public Records Request Policy
Adopted December 2006**

Section 1. Authority and purpose.

(1) RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to include 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 the agency. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.

(2) The purpose of these rules is to establish the procedures the City of Port Townsend ("City") will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the City and establish processes for both requestors and the City staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the City will be guided by the provisions of the act describing its purposes and interpretation.

Section 2 Contact information—Public records officer.

(1) The City's central office is located at 250 Madison Street.

(2) Any person wishing to request access to public records of the City or seeking assistance in making such a request should contact the public records officer of the City:

Pam Kolacy, City Clerk
City of Port Townsend
250 Madison Street, Suite 2, Port Townsend WA 98368
360-379-5045 (phone)
360-385-4290 (fax)
pkolacy@cityofpt.us

Information is also available at the City's web site at www.cityofpt.us

(3) The public records officer will oversee compliance with the act but another City staff member may process the request. Therefore, these rules will refer to the public records officer "or designee."

The public records officer or designee and the City of Port Townsend will provide the "fullest assistance" to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the City.

Section 3. Availability of public records.

(1) Hours for inspection of records. Public records are available for inspection and copying during normal business hours of the City: Monday through Friday, 8:00 a.m. to 5:00 p.m. (excluding legal holidays). Records must be inspected at the City offices.

(2) Records Index. The City finds that maintaining an index is unduly burdensome and would interfere with agency operations. The requirement would unduly burden or interfere with City operations in the following ways:

(a) The City is comprised of nine departments, their divisions and subdivisions, which maintain separate databases and/or record-keeping systems for the indexing of records and documents;

(b) Because the City has records which are diverse, complex and stored in multiple locations and computer systems and databases, it is unduly burdensome, if not physically impossible, to maintain a central index of records;

(c) The City will fully comply with the provisions of the RCW as they relate to the Public Disclosure Act, under RCW Chapter 42.56.

(3) Organization of records. The City will maintain its records in a reasonably organized manner. The City will take reasonable actions to protect records from damage and disorganization. A requestor shall not take City records from the City without the permission of the public records officer or designee. A variety of records are available on the City web site at www.cityofpt.us. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

Section 4. Making a request for public records.

(1) Any person wishing to inspect or copy public records of the City should make the request in writing on the City's request form, or by letter, fax, or e-mail addressed to the public records officer and including the following information:

- (a) Name of requestor;
- (b) Address of requestor;
- (c) Other contact information, including telephone number and any e-mail address;
- (d) Identification of the public records adequate for the public records officer or designee to locate the records; and
- (e) The date and time of day of the request.

(2) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to Section 13, a request of nine pages or less of standard sized black and white photocopies shall be free of charge; requests of 10 pages or more will be charged according to the fee schedule.

(3) A form is available for use by requestors at the office of the public records officer and on-line at www.cityofpt.us.

(4) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

Section 5. Processing of public records requests--general.

(1) **Providing "fullest assistance."** The City is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- (c) Provide a reasonable estimate of when records will be available;
or

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request.

(3) **Consequences of failure to respond.** If the City does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the public records officer to determine the reason for the failure to respond.

(4) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include the relevant text of the request.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the City believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer or designee will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted. See Section 12 for further information on exempted records.

Section 6. Inspection of records.

(1) Consistent with other demands, the City shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the City to copy.

(2) The requestor must claim or review the assembled records within thirty days of the City's notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a

representative of the requestor fails claim or review the records within the thirty-day period or make other arrangements, the City may close the request and re-file the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

Section 7. Providing copies of records. After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

Section 8. Providing records in installments. When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

Section 9. Completion of inspection. When all requested copies are provided (other than records exempt from disclosure), the public records officer or designee will indicate that the City has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

Section 10. Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the City has closed the request.

Section 11. Later discovered documents. If, after the City has informed the requestor that it has provided all available records, the City becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

Section 12. Exemptions

(1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by the City for inspection and copying. Please see attachment "Exemption and Prohibition Statutes Not Listed in Chapter 42.56 RCW" (Schedule C, Public Records Act, Report No. 61, Municipal Research and Services Center).

(2) The City is prohibited by statute from disclosing lists of individuals for commercial purposes (RCW 42.46.070(9)).

Section 13. Costs of providing copies of public records.

(1) **Costs for paper copies.** There is no fee for inspecting public records. A single records request of nine pages or less (black and white photocopies) will be free of charge. A single request consisting of ten pages or more will be provided at a charge of 15 cents per page for all pages. Please refer to separate fee schedule for other charges.

(2) **Deposit and Payment.** Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The City will not charge sales tax when it makes copies of public records.

(2) **Costs of mailing.** The City may also charge actual costs of mailing, including the cost of the shipping container.

(3) **Type of Payment.** Payment may be made by cash, check, or money order to the City of Port Townsend.

(4) **Other Costs.** Please refer to "Public Records Fee Schedule" posted on line and available at the City Administrative office.

Section 14. Review of denials of public records.

(1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the City Manager, or designee, to conduct the review. That person will immediately consider the petition and either affirm or reverse the denial within two business days following the City's receipt of the petition, or within such other time as the City and the requestor mutually agree to.

(3) **Judicial review.** Any person may obtain court review of denials of public records request pursuant to RCW 42.17.340 at the conclusion of two

business days after the initial denial regardless of any internal administrative appeal.