

**SOUTH SNOHOMISH COUNTY FIRE & RESCUE REGIONAL FIRE AUTHORITY  
RESOLUTION NO. 10012017-02**

**ADOPTING AND PUBLISHING PUBLIC RECORDS POLICY AND PROCEDURE**

**WHEREAS**, the Washington Public Records Act, Chapter 42.56 RCW and WAC 44-14-02001 require a public agency to publish its public records policies, organizational information, and methods for requestors to obtain public records.

**NOW, THEREFORE, BE IT RESOLVED** that the Public Records Policy and Procedure attached hereto as **Exhibit A** is hereby adopted by the Governing Board of Commissioners of the SOUTH SNOHOMISH COUNTY FIRE & RESCUE REGIONAL FIRE AUTHORITY. A copy of the attached Policy shall be made available to the public at the Authority's headquarters and on the Authority's website.

**ADOPTION:** ADOPTED by the Governing Board of Commissioners of the SOUTH SNOHOMISH COUNTY FIRE & RESCUE REGIONAL FIRE AUTHORITY, at a special meeting of such Board on the 1st day of October, 2017; the following Board Commissioners being present and voting:

By:   
Jim McGaughey, Commissioner

By:   
Richard Schrock, Commissioner

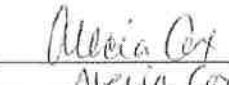
By:   
James Kenny, Commissioner

By:   
David F. Chan, Commissioner

By:   
Robert Meador, Commissioner

By:   
Ben Goodwin, Commissioner

By:   
Chris Boyer, Commissioner

ATTEST:  
  
Allevia Cox, Secretary to  
the Governing Board of Commissioners

*Exhibit A*

**PUBLIC RECORDS POLICY AND PROCEDURE**

## **SOUTH SNOHOMISH COUNTY FIRE & RESCUE REGIONAL FIRE AUTHORITY**

### **PUBLIC RECORDS POLICY AND PROCEDURE**

*The South Snohomish County Fire & Rescue Regional Fire Authority (the "Authority") is required by RCW 42.56.100 to adopt and enforce reasonable rules and regulations, consistent with the intent of the Washington State Public Records Act (PRA), referenced in RCW Chapter 42.56 and the Model Rules of WAC 44-14., and to provide access to public records, protect public records from damage and disorganization and to prevent excessive interference with other essential functions of the Authority. The Authority is also required to protect certain public records from disclosure subject to various legal exemptions.*

*This PRA Disclosure policy establishes the procedures the Authority will follow to provide for the fullest assistance to requestors including the most timely possible action on requests, while protecting public records from damage and preventing "excessive interference with other essential agency functions." RCW 42.56.100. The Authority is required to respond to public records requests pursuant to Chapter 42.56 RCW.*

*The City is not required to respond to questions, do research, or to give information that is not the subject of an identifiable public record.*

*Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on the Authority. The Authority reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time.*

*Failure to comply with any provision of these rules shall not result in any liability imposed upon the Authority other than that required in the PRA.*

#### **DEFINITIONS**

1. "The South Snohomish County Fire & Rescue Regional Fire Authority" and the "Authority" includes any office, department, division, bureau, board, commission, or agency of the South Snohomish County Fire & Rescue Regional Fire Authority. RCW 42.56.010(1).
2. "Public Record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the City of Othello regardless of physical form or characteristics. RCW 42.56.010(2).
3. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. RCW 42.56.010(3).

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4. "Identifiable record" means an identifiable record is one in existence at the time the records request is made and that City staff can locate after an objectively reasonable search.

5. "Exempt record" includes all agency records that are specifically exempted or prohibited from disclosure by state or federal law, either directly in RCW 42.56 or other statutes.

### RESPONSIBILITY

Public Records Officer: The Authority's Public Records Officer is \_\_\_\_\_.

Other Authority personnel may also process public records requests, as needs require.

### PROCEDURE

1. How to Request Records: Any person requesting access to public records or seeking assistance in making such a request must contact the Public Records Officer at:

Public Records Officer

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Hours: 8:00 am to 5:00 pm Monday through Friday

2. Request Format: While there is no specific required format for a public records request, a requestor must provide the Authority with reasonable notice that the request being made is for public records. If a request is contained in a larger document unrelated to a public records request, the requestor should point out the public records request by labeling the front page of the document as containing a public records request or otherwise calling the request to the attention of the Public Records Officer to facilitate timely response to the request.

The Authority encourages that all requests for public records be made in writing on the Authority's Standard Public Records Request Form, which is available from the Public Records Officer and from the Authority's website.

Requests may be submitted in person, orally, by mail, fax, or e-mail. Mail, e-mail, and faxes will be considered received on the date the form is stamped "received", not on the date sent.

Requests should include the following information:

- A. The requestors name, mailing address, and contact phone number;
- B. The date of the request;
- C. The nature of the request, including a detailed description of the public record(s) adequate for the city personnel to be able to locate the records;
- D. A statement regarding whether the records are being requested for a commercial purpose (RCW 42.56.070(9));
- E. Whether the requestor desires copies, or to inspect the requested records; and,
- F. Name of Requestor.

Requests for public records made orally must be made during normal business hours. Requests for public records made orally must be confirmed by the Public Records Officer.

3. Response to Requests: The Authority will process requests in the most efficient manner as the Public Records Officer (defined above) deems appropriate. The Public Records Officer may ask a requestor to prioritize the records he or she is requesting so that the most important records may be provided first.

Within five (5) business days of receiving a request, the Authority will either (A) provide the record; (B) acknowledge that the request has been received and provide a reasonable time estimate it will need to respond to the request; (C) deny the request; or (D) request clarification from the requestor.

Additional time to respond may be based on the need to clarify the intent of the request, to locate and assemble the records, to redact confidential or exempt information, to prepare an exemption log, to notify third parties or agencies affected by the request and provide such parties/agencies with the opportunity to seek a court order preventing disclosure where appropriate, and/or to consult with the Authority's legal counsel about whether the records are exempt from disclosure. The Public Records Officer should briefly explain the basis for the time estimated to respond. Should an extension of time be necessary to fulfill the request, the Public Records Officer will provide a revised estimate and explain the changed circumstances that make it necessary.

If the Authority receives a request for public records identified in terms of "any and all documents related to" or similar language and the requestor is unable or unwilling to help narrow the scope of the documents being sought in order to expedite the Authority's response and/or reduce the volume of potentially responsive documents, the Public Records Officer is allowed to err on the side of producing more rather than fewer documents in response to such a broad, general request. Authority personnel shall not be obligated to interpret such a broad, general request in order to decipher which specific documents may be of interest to the requestor and the PRA does not allow a requestor to search through the Authority's files for records which cannot be identified or described to the Authority.

The Authority is not authorized to provide lists of individuals for commercial purposes. The Public Records Officer may also seek sufficient information to determine if another statute or court order may prohibit disclosure. If the requestor fails to clarify an unclear request within 15 working days, the Authority will treat the request as having been withdrawn. RCW 42.56.520(3).

If the public record contains personal information that identifies an individual or organization other than the subject of the requested public record, the Authority may notify that individual or organization to allow the party to seek relief pursuant to RCW 42.56.540. Such relief may include a court injunction prohibiting release of the record because such examination would not be in the public interest and would substantially and irreparably damage any person or vital governmental function. The Authority may take the above into account when providing an estimate of when the records will be available. Nothing in this policy is intended to, nor does it, create any right to such notice.

When a request uses a phrase such as "all records relating to", the Public Records Officer may interpret the request to be for records which directly and fairly address the topic. The Authority may respond to a request to provide access to a public record by providing the requestor with a

link to the Authority's web site containing an electronic copy of that record if it can be determined that the requestor has internet access and the requestor agrees that the request has been satisfied.

When the requestor has found the records he or she is seeking, the requestor should advise the Public Records Officer that the requested records have been provided and the remainder of the request may be cancelled.

4. Providing Records in Installments: When the request is for a large number of records, the Authority may provide access for inspection and copying in partial installments if reasonably determined that it would be practical to provide the records in that way. If the requestor does not contact the Public Records Officer within thirty (30) working days to arrange for the review of the first installment, the City may deem the request abandoned and may stop fulfilling the remainder of the request. The City may prioritize record requests received after commencing to fulfill the large request. RCW 42.56.120.

5. Electronic records: The process for requesting electronic public records is the same as the process for requesting paper public records. When a requestor requests records in an electronic format, if technically feasible, the Public Records Officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the City and is generally commercially available; or will provide the records in a format that is reasonably translatable from the format in which the agency keeps the record.

With the consent of the requestor, the Authority may provide customized access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. The Authority may charge a fee consistent with RCW 43.105.280 for such customized access.

6. No Duty to Create Records: This policy does not require the Authority to answer written questions, summarize data or information, create new public records, or provide information in a format that is different from original public records; however, the Authority may in its discretion, create such a new record to fulfill the request where it may be easier for the Authority to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request. WAC 44-14-04003(5).

7. No Duty to Provide Information: This policy does not require the Authority to respond to requests for information, research, opinions or advice. Requests for information, research, opinions, advice, or similar requests will not be responded to pursuant to this policy.

8. No Duty to Supplement Responses: The Authority is not obligated to hold current records requests open to respond to requests for records that may be created in the future. A new request must be made to obtain later-created public records.

9. Fees: The charge for photocopies is fifteen cents per page or the actual per page cost, whichever is greater. When public records are mailed to a requestor, a charge for postage and the cost of the envelope or container used may be added. No fee is charged for inspection of a public record or for locating a record. Fees may be waived due to the few number of copies made or other circumstances.

10. Deposit: The Authority may require a deposit of up to ten percent (10%) of the estimated cost of copying records prior to copying any records for a requestor. The Authority may also

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require payment of the remainder of the cost before providing all of the records, or the payment of the costs of copying an installment before providing that installment. RCW 42.56.120

11. Preservation of Public Records: No member of the public may remove a public record from the Authority's property without the Public Records Officer's written permission. No member of the public may remove a public record from a viewing area, disassemble, or alter, fold, mark, deface, tear, damage or destroy any public record. Public records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by Authority staff. Copies of public records may be copied only on copying machines of the Authority unless other arrangements are made by the Public Records Officer. No food or drink will be permitted during the inspection of public records. Access to file cabinets, shelves, vaults and other Authority storage areas is restricted to authorized Authority staff.

12. Organization of Public Records: The Authority finds that maintaining an index as provided in RCW 42.56.070(3) for use by the public would be unduly burdensome and would interfere with agency operations given the high volume, various locations, and types of public records received, generated and otherwise acquired by the Authority. RCW 42.56.070(4). Notwithstanding the foregoing, the Authority will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization.

13. Closing Abandoned or Unpaid Requests: If the requestor withdraws the request, fails to fulfill his or her obligations to inspect the records within thirty (30) days of notice that the records are available for inspection, or fails to pay the deposit, installment payment or final payment for the requested copies, Authority personnel will close the request. Authority personnel will document closure of the request and the conditions that led to closure. RCW 42.56.120.

14. Records Exempt from Public Disclosure: The Authority is not required to permit public inspection and copying of records for which public disclosure of the record is prohibited, restricted or limited by state law or federal statute or regulation. The Authority is prohibited by statute from disclosing lists of individuals for commercial purposes. RCW 42.56.070(9). The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. RCW 42.56.230 through 42.56.480 contains a large number of exemptions from public inspection and copying. Other statutes outside the Public Records Act may prohibit and exempt disclosure of certain documents or information. RCW 42.56.070(1). The Authority's failure to list an exemption shall not affect the effectiveness of the exemption.

15. Denial of Request Due to Exemption: All denials of requests for public records will be accompanied by a written statement specifying the reason(s) for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. RCW 42.56.210(3).

16. Mechanism for Review of Denial: Any person who objects to the denial of a public records request may petition in writing to the Public Records Officer for a reconsideration 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. The Public Records Officer shall perform a review of the denial as promptly as possible. Pursuant to state law, the review shall be deemed concluded at the end of the second business day following the denial to represent final action for the purposes of judicial review. RCW 42.56.530.

17. Retention of Records: The Authority is not required to retain all records it creates or uses. However, the Authority will follow RCW Chapter 40.14, Preservation and Destruction of Public Records, in the retention and destruction of public records. The Secretary of State, State Archives Committee approves a general retention schedule for local agency records that is common to most agencies. Individual agencies may seek approval from the Local Records Committee for retention schedules specific to their agency or that, due to their particular business needs, must be kept longer than provided in the general schedule. The retention schedule for local agencies is available at [www.secstate.wa.gov/archives](http://www.secstate.wa.gov/archives). Retention schedules for documents vary based on the content of the record. WAC 4414-03005

18. Loss of Right to Inspect: Inspection shall be denied and the records withdrawn by the Public Records Officer if the requestor, when reviewing the records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the Authority.

19. Disclaimer of Liability: Neither the Authority nor any officer, employee, official or custodian shall be liable, or shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy. This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as "shall", nothing in this policy is intended to impose mandatory duties on the Authority beyond those imposed by state and federal law.