



**King County
Administrative Policies and Procedures**

Executive Policies

King County

Title Public Records Act Procedures	Document Code No. INF 17-2-3 (AEP)
Department/Issuing Agency Department of Executive Services	Date <i>March 22, 2010</i>
Approved <i>Don Conkle</i>	

1.0 SUBJECT TITLE: Public Records Act Procedures.

1.1 EFFECTIVE DATE: April 1, 2010

1.2 TYPE OF ACTION: Supersedes INF 17-2-2 (AEP), Public Disclosure Request Response Procedures, March 1, 2007

2.0 PURPOSE: King County is committed to open and transparent government consistent with the requirements of the Washington State Public Records Act which provides citizens with broad rights of access to public records. This policy establishes and describes the Executive Branch's procedures for responding to public records requests.

3.0 ORGANIZATIONS AFFECTED: All Executive Branch Departments.

4.0 REFERENCES:

4.1 Washington State Public Records Act: Ch. 42.56 RCW.

4.2 King County Code 2.12.

4.3 Public Records Act – Model Rules: Ch. 44-14 WAC.

5.0 DEFINITIONS:

5.1 "Department" means an Executive Branch department, division, section, or office.

5.2 "Executive Branch" means the executive branch as defined in the county charter, but excluding the Department of Public Safety, the Department of Assessments and the Department of Elections.

5.3 "Exempt" means that a law allows or requires the withholding of a record, or a portion thereof, from disclosure.

5.4 "King County Public Records Officer" is the person responsible for establishing Public Records Act protocols for the Executive Branch and assisting Departments with public records requests and responses.

5.5 "Public record" means 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 Department regardless of physical form or characteristics. (See 5.11 for definition of writing.)

5.6 "Public records management sponsor" ("management sponsor") means the management-level person(s) designated by a Department to lend leadership support and authority to the Department's public records officer(s).

5.7 "Public Records Manual" refers to the "Public Records Manual for King County Employees," available on the King County Intranet.

5.8 "Public records officer" means the person(s) responsible for processing public records requests received by Departments.

5.9 "Public Records Request Tracking System" ("Tracker") refers to the application that catalogs all public records requests and the status of responses for the Executive Branch.

5.10 "Withholding index" is a list of records or portions thereof that are responsive to a public records request and exempt from disclosure.

5.11 "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.

6.0 POLICIES:

6.1 Departments shall make available for inspection and copying all nonexempt public records in accordance with the Washington State Public Records Act.

6.2 Public records requests are encouraged to be made in writing. Oral requests will be accepted, and the substance will be promptly confirmed in writing to the requestor.

6.3 In the event that requested records contain information that affects third parties, the public records officer may, before providing the records, give notice to affected persons in accordance with RCW 42.56.540. The notice shall include a copy of the request.

6.4 If a Department believes that a record or any part of a record is exempt from disclosure, the public records officer shall provide to the requestor a written communication identifying the

record or portion withheld, the specific exemption relied upon and the authority for the exemption, and briefly explaining how the exemption applies to the record or portion withheld, including enough information for a requestor to make a threshold determination of whether the claimed exemption is proper. If only portions of a record are exempt from disclosure, the public records officer shall redact the exempt portions and provide the nonexempt portions. The documentation described in this section should be presented in the form of a withholding index.

6.5 A requestor may choose to have copies of records made instead of inspecting them. Charges for copies shall be made in accordance with RCW 42.56.070 and .120. The Department may require a deposit of up to ten percent of the estimated costs of copying all the records.

6.6 If the requestor chooses to inspect records before deciding whether to have copies made, the Department shall promptly provide space for inspection except when and to the extent that it would cause excessive interference with other essential functions or unreasonably disrupt operations. A Department employee will observe and document the inspection. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor may indicate which records he or she wishes to have the Department copy.

6.7 When the request is for a large number of records, the public records officer shall provide access for inspection and copying in installments, if the public records officer reasonably determines that it would be practical to provide the records in that way.

6.8 If, within thirty days after notification that records are available for inspection or copying, the requestor fails to inspect the entire set of records or one or more of the installments, as applicable, the public records officer shall stop searching for any remaining records and close the request. The requestor shall be notified in writing of this action.

6.9 If a Department becomes aware after informing the requestor that all responsive records have been provided that additional responsive records existed at the time of the request, it shall promptly inform the requestor of the additional records and provide them on an expedited basis.

6.10 Departments are prohibited by statute from disclosing lists of individuals for commercial purposes.

6.11 Departments may not distinguish among persons requesting records, and persons requesting records shall not be required to provide information as to the purpose of the request unless necessary to determine whether an exemption applies or whether a list of individuals is being requested for commercial purposes.

6.12 Any person who objects to the initial denial or partial denial of a public records request may petition in writing to the public records officer for a review of the decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer denying the request.

7.0 PROCEDURES:

Action By: Department Public Records Officers

Action:

7.1 Receive request for public records. If request is oral, provide written confirmation to requestor.

7.2 Date stamp the request. Log the request into Tracker, including date of receipt, the specific records requested, detailed notes about each communication with the requestor, and date closed.

7.3 Within five business days of receipt of the request, do one or more of the following:

(A) Make the records available for inspection and 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 to the requestor a reasonable estimate of when records will be available;

(D) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. The clarification may be requested and provided by telephone, in which case make a written record of the clarification. If the requestor fails to clarify the request, no response is necessary; or

(E) Deny the request, notify the requestor of the denial, and provide a written statement of the specific reasons for the denial.

7.4 If applicable, provide notice to third parties whose rights may be affected by the disclosure.

7.5 If a request is from a labor union representing King County employees, review the request with the Labor Relations Section of the Human Resources Division.

7.6 If a request is from a media representative, review the request with the Department's public information officer.

7.7 Identify and collect responsive records, and document steps taken.

7.8 Identify exemptions, if any, and redact or withhold exempt documents. Consult with the King County Public Records Officer and/or the Prosecuting Attorney's Office as needed.

7.9 Prepare withholding index, if applicable. A withholding index includes a description of the specific record; the date of the record; the author; the subject; to whom the record is addressed and cc'd; the number of pages, the statutory exemption being applied; and a brief explanation of how the exemption applies to the record. The recommended format for a withholding index is available in the Public Records Manual.

7.10 If the requestor wishes to receive copies without prior inspection, make arrangements for payment and provide copies.

7.11 If the requestor seeks inspection, arrange for inspection at a time mutually agreed upon by the requestor and the Department. Designate an employee to observe and document the inspection.

7.12 After inspection is complete, make requested copies or arrange for copying. Large copying requests can be completed by an outside copying vendor.

7.13 Notify the requestor that the request is closed when:

(A) All responsive records have been produced and, if applicable, a withholding index has been provided, or

(B) A requestor has not, within 30 days of notification that records are available for inspection or copying, inspected or requested copies of the records; or

(C) A requestor has not, within 30 days of notification that copies have been made, claimed and paid for copies; or

(D) A requestor has not, within 30 days of a request for clarification, provided clarification.

7.14 Alert management sponsor and King County Public Records Officer of any petitions of denials or partial denials.

8.0 RESPONSIBILITIES:

8.1 All Executive Branch Departments will follow the procedures outlined in this policy.

8.2 All Departments are responsible for:

(A) Designating one or more public records officers.

(B) Designating a management sponsor.

(C) Establishing protocols for processing public records requests in the absence of the designated public records officer(s).

(D) Ensuring that public records officer(s) attend King County public records training.

(E) Alerting the King County Public Records Officer of public records requests which are unusually large or that affect more than one Department.

8.3 The management sponsor is responsible for:

(A) Assisting in identifying sources of responsive records and facilitating thorough collection of records.

(B) Assisting in planning, managing and reviewing completion of large requests.

(C) Providing guidance regarding notice to third parties, as needed.

(D) Ensuring that the Department's public records officer(s) are appropriately trained and fulfilling their responsibilities.

8.4 The King County Public Records Officer is responsible for:

(A) Providing instructions to Departments on the Public Records Act and the procedures described in this policy.

(B) Assisting Executive Branch Departments with public records requests which are unusually large or that affect more than one Department.

(C) Developing and providing training for public records officers.

(D) Developing and maintaining resources for public records officers, such as the Public Records Manual.

9.0 APPENDICES:

None