

**Document Code No.:** INF-17-4-1-EP

**Title:** Public Records Act Compliance

**Affected Agencies:** Executive Branch Departments

**Authorities:** RCW 42.56; King County Code 2.12; WAC Chapters 44-14.

**Keywords:** Public Records, Public Records Act, RCW 42.56, Public Disclosure

**Sponsoring Agency:** Department of Executive Services

**Type of Action:** Supersedes INF 17-2-3 (AEP)



**Executive signature:**

Dow Conner

**King County**

**Date signed:**

7.23.20

**I. Purpose**

King County is committed to open and transparent government consistent with the requirements of the Washington State Public Records Act (RCW 42.56), which provides the public with broad rights of access to public records. This policy establishes requirements and guidance for ensuring the Executive Branch's responses to Public Records Act requests are compliant with the law while also reflecting and balancing the values of customer service, privacy, and transparency.

**Applicability and Audience** This policy applies to Executive Branch Departments. The audience is all King County workforce members, the separately elected offices and branches of government, and the general public.

**II. Definitions**

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

"Departmental Public Records Officer" means the person(s) responsible for processing public records requests received by Departments.

"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.

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

"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.

"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.

### III. Policy

#### A. Organization

King County Code 2.12.005 establishes King County's agencies for the purpose of the Public Records Act and establishes that the Executive Branch Departments managed by the Executive comprise one Agency.

1. The Executive Branch Public Records Officer shall perform or assign the duties specified in RCW 42.56.580 on behalf of the Executive Branch and shall complete all trainings required by RCW 42.56.152.
2. The Executive Branch Public Records Officer shall also serve as the program manager for the Executive Branch Public Records Program or its successor agency.
3. The Executive Branch Public Records Officer and/or their designee shall coordinate the preparation of any reports required by applicable laws, such as annual reports to County and/or State agencies.
4. All Executive Branch Department Directors and/or their designees shall promote and support compliance with this and all public records disclosure policies, standards, and laws.
5. All Executive Branch Departments shall designate a Departmental Public Records Officer, who will have responsibility for ensuring the department's compliance with this and all public records disclosure policies, standards, and laws.
6. All Departmental Public Records Officers shall lead and/or coordinate public records request responses for their departments, following the procedures established by the Executive Branch Public Records Program, including but not limited to: adherence with the standard work guidance, use of request management and tracking tools provided by or at the direction of the Executive Branch Public Records Program, attendance at offered trainings, and ensuring adequate backup during absences.
7. All Executive Branch workforce members shall be timely and thorough in their responses to Public Records Officer requests for records that the workforce member has in their custody. In doing so, they must also:
  - a. contact their Public Records Officer if they need clarification on the request or the search requested of them;
  - b. notify their Public Records Officer if there are other potential records sources, including other workforce members, contractors, file locations, databases, etc.; and
  - c. document their search when requested by their Public Records Officer.

**B. Environmental Consideration**

1. Public records requests shall be fulfilled electronically using virtual spaces to reduce paper resource and other wastes that impact the environment (mail delivery, mailer production, etc.) unless otherwise requested or technically challenging.

**C. Equity and Social Justice**

1. Where discretion can be applied to decision making, decisions should be made with consideration of equity impacts and engagement with historically underrepresented communities.

**D. Privacy and Personally Identifying Information**

1. County workforce members shall balance the values of transparency and privacy when responding to public records requests, seeking to protect privacy where it is possible to do so, while still complying with the Public Records Act.

**IV. Implementation Plan**

- A. This policy becomes effective for Executive Branch Departments managed by the King County Executive on the date that it is signed by the Executive.
- B. The Executive Branch Public Records Program is responsible for implementation of this policy.
- C. The Executive Branch Public Records Officer is responsible for communicating this policy to the Executive Leadership Team, the Public Records Committee, and Executive Branch Public Records Officers.
- D. Departmental Public Records Officers are responsible for communicating this policy to the management structure within their respective agencies and other appropriate parties.

**V. Maintenance**

- A. This policy will be maintained by the Executive Branch Public Records Program or its successor agency.
- B. This policy will automatically expire five (5) years after its effective date. A new, revised, or renewed policy will be initiated by The Executive Branch Public Records Program or its successor agency prior to the expiration date.

**VI. Consequences for Noncompliance**

- A. Failure to comply with this policy may result in a number of consequences, including noncompliance with RCW 42.56, the Public Records Act. These consequences carry with them risks of fines, fees and legal action. Individual employees who fail to carry out the duties associated with this policy may receive additional training in this area and may have their failure to comply reflected in performance feedback.
- B. Compliance failures will also poorly reflect our values of accountability, transparency, environmental stewardship and equity and social justice.

**Appendices:**

Public Records Officer Procedures