

Public Records Disclosure

REFERENCE COMPLIANCE 200-010
CATEGORY POLICY
APPROVED RESOLUTION 19-10
EFFECTIVE 03/22/2004,
REVISED 03/26/2019; 06/11/2019

REFERENCE

RCW 42.56; WAC 137-08; Governor’s Executive Order 00-03; RCW 42.17.020; RCW 40.14.010; RCW 42.17.260; RCW 42.17.310; RCW 42.17.300; RCW 42.17.300I; RCW 42.17.260; RCW 42.17.290; RCW 42.56.120; RCW 42.56.130

PURPOSE:

The purpose of this policy is to implement and carry out the provisions of the Public Disclosure Act (RCW 42.56). Accordingly, all public records of the District, as defined by law, are deemed to be available for public inspection and copying, subject to certain exemptions provided by law and the necessity to protect individual personal rights to privacy and vital governmental interests.

POLICY:

- I. The District has a process to respond to the requests for the disclosure of public records per RCW 42.56 and ensure that the release of records is consistent with state and federal laws and regulations. This policy does not apply to discovery requests made in conjunction with litigation, subpoenas, or other legal pleadings.
- II. The handling, maintenance, and privacy of public records will the requirement of RCW 42.56, WAC 137-08, and Governor’s Executive Order 00-03.
- III. All public records will be made available for public inspection and copying unless the records are exempt under federal or state law, providing facilities for copying would unreasonably disrupt District operations, or inspection would excessively interfere with essential District functions.

DIRECTIVE:

- I. Responsibility
 - A. The Public Records Officer will:
 1. Create and communicate District-wide procedures for processing requests for public records,

2. Train District staff, as required,
3. Coordinate with the Office of the Attorney General, as needed,
4. Implement legislation and case law that directly affect the District public disclosure process,
5. Coordinate response to District-wide impact and high profile public disclosure requests,
6. Provide consultation to District employees regarding public records request responses and process issues,
7. Respond to public records requests,
8. Identify, request and gather records within the District,
9. Attend training by a Public Records Act training group,
10. Track and report the receipt and disposition of public records requests

B. All Employees will:

1. Search records within their area of responsibility upon request of the Public Records Officer or designated staff for records responsive to public records requests,
2. Respond to requests timely per deadline established by the Public Records Office or designated staff,
3. Track and report to the Public Records Officer the staff time expended in searching and responding to requests for responsive records.
4. Failure or refusal to perform assigned responsibilities may result in disciplinary action, up to and including termination.

II. Public Records Requests

A. All public records requests must be submitted in writing to Thurston PUD Public Records Officer at 1230 Ruddell Road SE, Lacey, WA 98503, or via email to the Public Records Officer email address. The written request should include the

1. Requester's name and contact information
2. Date the request was made, and

3. Records requested.

- B. District employees who request documents through public disclosure must use personal time and resources to do so. Use of District time and/or resources to request documents through public disclosure may result in disciplinary action.

III. Responding to Requests

- A. Within 5 business days of the District's receipt of a request, the delegated District staff will respond to the requester in writing by:

1. Making the requested documentation available,
2. Acknowledging receipt of the request and providing a reasonable estimate of the time needed to respond,
 - a. Additional time may be needed for the District to respond to a request, based on the need to:
 - 1) Clarify the request,
 - 2) Locate and assemble the requested records,
 - 3) Notify the persons affected by the request, or
 - 4) Determine whether any of the responsive records or information contained in the responsive records are exempt from disclosure.
3. Seeking clarification
4. Denying the request.
 - a. The District can only deny records or portions of records based on an applicable legal exemption. All denial decisions must:
 - 1) Cite the statute(s) that allow redaction or withholding of the record, in whole or in part,
 - 2) State how the exemption applies to the information withheld, and
 - 3) Include the page numbers or location within the responsive records where content was redacted or withheld.

B. The District is not required to create records in response to a public records request.

C.

IV. Documentation

A. Documentation of each public records request will be maintained per the Records Retention Schedule, and will include copies of:

1. The original request and all correspondence,
2. All records provided, in their original format,
3. Any records redacted or withheld, indicating the information removed/withheld,
4. The District Denial Form/Exemption Log, if redactions were taken or records withheld, and
5. Any supporting documents indicating who has contacted and the response received.

V. Fee Schedule

A. The delegate District staff will notify the requester in writing of the copying and postage charges associated with the requested records.

1. Costs associated with copying and mailing records in paper and electronic format can be charged to requester per RCW 42.56.070.
 - a. Copying charge for paper records are \$0.15 per page, plus postage reimbursement.
 - b. Electronic copies of scanned paper records are \$0.10, if paper copies must be scanned in order to produce in electronic format.
 - c. Electronic files or attachments that are loaded and delivered on a digital storage media (CD, DVD, or thumb drive) will be charged \$0.05 for each 4 electronic files or attachments.
 - d. Files and attachments loaded and delivered on a digital storage media (CD, DVD or thumb drive) will be charged \$0.10 per gigabyte.

- e. Actual cost will be charged for CD, DVD, thumb drive, disc sleeve and postage.
 - f. Actual cost will be charged for the container or envelope used to mail paper or other types of copies. Price will vary dependent on the size of the container or envelope.
 - g. Actual cost of postage is dependent upon weight and United States Postal Service or other delivery service rates.
 - h. Payment should be in the form of cash, check or a money order and must be received before copies are sent.
- B. The requestor has 15 days to pick up the documents they requested once they have been notified.
- 1. The request will be considered abandoned if the requester does not pick the requested documents after 15 days of notification.
 - 2. The public records case will be closed, and no further action will be taken.

VI. Notification

- A. The District will send letters to specific individuals notifying them that their name appears in or is the subject of a record(s) responsive to a public records request and they make seek an injunction to stop the release of some or all of such records. RCW 42.56.540 allow for this process to occur at the discretion of the public agency.
- 1. Individuals will provide no less than 7 business days to notify the District of their intent to seek injunction.
 - 2. Notification will include:
 - a) Cover letter
 - b) Copy of applicable statute, and
 - c) All responsive records applicable to the addressee of the notification, in the format in which they will be released to the requester.
 - 3. Notification is provided to all employees and elected officials, and may be provided to former employees (i.e., mailed to the last known address) when public disclosure requests are made regarding their own:

- a) Personnel files
 - b) Disciplinary actions,
 - c) Personnel grievances, and/or
 - d) Allegations of misconduct.
4. In addition, employees and elected officials may receive notification if they are involved in providing investigative witness statements or their names are included in records that indicate behavior or information unrelated to the scope of normal job duties.
5. Contractors should be notified when proprietary information is involved.
- D. The District does not charge a fee for inspecting or locating public records.
- E. Responses may be provided in electronic format at the District's discretion, if electronic release is possible and prudent given available District resources

VII. Appeal Process

- A. If the requester disagrees with a decision to deny the request, in whole or in part, they may appeal to the General Manager for review. The General Manager will review the appeal and affirm or reverse the denial.
- B. Appeals will not be considered if submitted 12 months or more after the District's last response or production of records.
- C. Any further appeal will be made to the Superior Court per RCW 42.56.