



City of Soap Lake
Request for Public Records
Official Policy



City of Soap Lake
P.O. Box 1270 – 239 2ND Ave S.E.
Soap Lake, WA 98851 – (509) 246-1211

Subject: DISCLOSURE OF PUBLIC RECORDS AND INFORMATION		Index: ADMINISTRATION	
		Number: 2006 - 1	
Effective Date: July __, 2006	Approved by: Council	Supersedes: 2002 - 1	Page 1 of 8

1.0 PURPOSE:

To establish the policy and procedures pursuant to RCW Chapter 42.56. These rules provide information to persons wishing to request access to public records of the city and establish processes for both requestors and city staff that are designed to best assist members of the public in obtaining such access.

2.0 OPERATIONS AFFECTED:

All departments.

3.0 REFERENCES:

RCW Chapter 42.56.

4.0 POLICY:

4.1 The City of Soap Lake, as a government, is comprised of 4 major departments. Those being Public Works, Administration and Finance, Fire and Public Safety. Records for all departments are generally located in the Administration and Finance Department. Some records may not be stored or available in the Administration and Finance Department but they can be made available through that office.

4.2 It is the City's policy to assure access to public records and documents in accordance with state law.

5.0 DEFINITIONS:

As provided by RCW Chapter 42.56.

6.0 PROCEDURES:

6.1 Contact information – Public records officer

6.1.1 The City of Soap Lake is a municipal corporation. The city’s central office is located at 239 Second Ave. SE, Soap Lake WA.

6.1.2 Any person wishing to request access to public records of the city or seeking assistance in making a request should contact the public records officer. The city will prominently display and make available at the city hall these rules.

6.1.3
 Public Records Officer
 City Clerk
 City of Soap Lake
 PO Box 1270
 239 Second Ave. SE
 Soap Lake, WA 98851
 (509) 246-1211
 fax (509) 246-1213

6.1.4 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.”

6.2 Availability of public records.

6.2.1 **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the city at the city hall.

6.2.2 **Records index.** The city finds that maintaining an index is unduly burdensome and would interfere with city operations in the following ways: lack of staff, lack of space, lack of software and equipment.

6.2.3 **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 city offices without the permission of the public records officer or designee.

6.3 Making a request for public records.

6.3.1 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, e-mail, or fax, 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.

6.3.2 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. Standard photocopies will be provided at fifteen cents (15¢) per page.

6.3.3 A form is available for use by requestors at the office of the public records officer.

6.3.4 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.

6.4 **Processing of public records requests – general.**

6.4.1 **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.

6.4.2 **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.

- 6.4.3 **If there is a 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 consider contacting the public records officer to determine the reason for the failure to respond.
- 6.4.4 **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 a copy of the request.
- 6.4.5 **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 will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted.
- 6.4.6 **Inspection of records.**
- a. 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.
 - b. 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 city will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the city 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 refile 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.
- 6.4.7 **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

- 6.4.8 **Providing records in installments.** When the request is for a large number of record, 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.
- 6.4.9 **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, 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.
- 6.4.10 **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.
- 6.4.11 **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.

6.5 **Exemptions.**

- 6.5.1 RCW Chapter 42.56 (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:

RCW 10.97.080	RCW 26.12.170
RCW 13.32A.090	RCW 26.23.050
RCW 13.34.115	RCW 26.23.120
RCW 13.40.217	RCW 26.26.041
RCW 13.50.010	RCW 26.26.450
RCW 13.50.050	RCW 26.33.330
RCW 13.50.100	RCW 26.33.340
RCW 13.60.020	RCW 26.33.343
RCW 13.70.090	RCW 26.33.345
RCW 18.04.405	RCW 26.33.380
RCW 18.19.060	RCW 26.44.010
RCW 18.19.180	RCW 26.44.020
RCW Chapter 19.108	RCW 26.44.030
RCW 19.215.020	RCW 26.44.125
RCW 19.215.030	RCW 27.53.070
RCW 26.04.175	RCW 29A.08.720

RCW 29A.08.710	RCW 71.05.445
RCW Chapter 40.14	RCW 71.05.620
RCW 42.23.070	RCW 71.05.630
RCW 42.41.030	RCW 71.05.640
RCW 42.41.045	RCW 71.05.650
RCW 46.52.080	RCW 71.24.035
RCW 46.52.083	RCW 71.34.200
RCW 46.52.120	RCW 71.34.210
RCW 46.52.130	RCW 71.34.225
RCW 48.62.101	RCW 71A.14.070
RCW 50.13.060	RCW 72.09.345
RCW 50.13.100	RCW 72.09.585
RCW 51.28.070	RCW 74.04.060
RCW 51.36.060	RCW 74.04.520
RCW 60.70.040	RCW 74.09.900
RCW 68.50.105	RCW 74.13.121
RCW 68.50.320	RCW 74.13.280
RCW Chapter 70.02	RCW 74.20.280
RCW 70.05.170	RCW 74.34.095
RCW 70.24.022	RCW 82.32.330
RCW 70.24.022	RCW 84.36.389
RCW 70.24.024	RCW 84.40.020
RCW 70.24.105	20 USC §1232g
RCW 70.28.020	42 USC §290dd-2
RCW 70.48.100	42 USC §405(c)(2)(vii)(I)
RCW 70.58.055	42 USC §654(26)
RCW 70.58.104	42 USC §671(a)(8)
RCW 70.96A.150	42 USC §1396a(7)
RCW 70.123.075	7 CFR 272.1(c)
RCW 70.125.065	34 CFR 361.38
RCW 71.05.390	42 CFR Part 2 (2.1 - 2.67)
RCW 71.05.395	42 CFR 431.300 - 307
RCW 71.05.400	42 CFR 483.420
RCW 71.05.425	42 CFR 5106a(b)(2)(A)
RCW 71.05.427	45 CFR 160-164
RCW 71.05.430	Reclamation Reform Act
RCW 71.05.440	

- 6.5.2 The city is prohibited by statute from disclosing lists of individuals for commercial purposes. Requestors seeking a list of individuals must execute a declaration under penalty of perjury that the requestor will not use that list for commercial purposes.

6.6 **Costs of providing copies of public records.**

- 6.6.1 **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for fifteen cents per page and color copies for the actual cost per page.

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.

Copies provided under other statutes or rules are not subject to the copy charges of this policy.

- 6.6.2 **Costs for electronic records.** The cost of electronic copies of records shall be one dollar for information on a floppy disk and one dollar for information on a CD-ROM.

- 6.6.3 **Costs of mailing.** The city may also charge actual costs of mailing, including the cost of the shipping container.

- 6.6.4 **Payment.** Payment may be made by cash, check, or money order to the city. Checks are subject to the city's policy on returned checks.

6.7 **Conditions of Performance.**

- 6.7.1 City departments are not required to create, compile or interpret documents requested under the Public Disclosure Act.

- 6.7.2 The public records officer and the City are not responsible for omissions under this policy so long as they act in good faith in attempting to comply with the state law.

6.7.3 Both requestors and the city have responsibilities under the statutes. The public records process can function properly only when both parties perform their respective responsibilities. The city has a duty to promptly provide access to all nonexempt public records. A requestor has a duty to request identifiable records, inspect the assembled records or pay for the copies, and be respectful to the city staff. A failure to be respectful of the city staff is excessive interference with other essential functions of the city and will not be permitted.

6.8 **Review of denials of public records.**

6.8.1 **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 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.

6.8.2 **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the Mayor. 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.

6.8.3 **Judicial review.** Any person may obtain court review of denials of public records request pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.