

***Public Records
Disclosure Request
Policy and Procedure***



***City Clerk's Office- Finance and
Information Services Department***

**Policy & Procedure for
Public Records Disclosure Requests
2015**

Revision History

April 2015 – Final Policy Online
January 2015 – Final Policy
October 2012 – Draft Policy

References

Chapter 42.56 RCW
Chapter 40.14 RCW
Chapter 82.12 RCW
Chapter 44-14 WAC
Chapter 434-615 WAC
Washington State Local Government Common Records Retention Schedule
Public Records Act for Washington Cities and Counties, revised November 2009
City of Redmond Public Records Policy, revised March 1994

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1. GENERAL PROVISIONS

1.01 Authority

This policy and procedure implements the requirements and intent of Chapter 42.56 RCW and Chapter 44.14 WAC and derives its authority from the same.

1.02 Background and Purpose

The City is required by RCW 42.56.100 to adopt and enforce reasonable rules and regulations, in keeping with the intent of Chapter 42.56 RCW (the Public Records Act) to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the City. These rules and regulations provide for the fullest assistance to people submitting requests to the City and the timeliest possible response of information.

This policy and procedure complies with the requirements of the Public Records Act by providing for consistent, predictable practices for responding to and fulfilling requests for disclosure of public records throughout the departments of the City in a manner consistent with the Act, other requirements of state statutes, and the City's policy of transparent government. The policy and procedure builds on previous public records policies in use at the City of Redmond.

The policy portion of this document clarifies the City's goals and intent with respect to providing access to public records. The procedure portion of the document describes the process for requesting and fulfilling records disclosure requests in keeping with legal requirements and City policy.

1.03 Definitions

For the purposes of this chapter the following definitions shall apply:

"All records relating to," "all records regarding," or "all records pertaining to" means those records that contain the information or subject matter described in the words or phrases that follow, so long as the records requested in this manner are reasonably identifiable by the record coordinator fulfilling the request. "All records relating to" shall not necessarily indicate that a disclosure request is overly broad.¹

"Copy" means an imitation, duplicate, or reproduction of an original document, record, or other media, and includes a single, printed version of an electronic record. "Copy" also means one of the various examples or specimens of a document or record, such as "copies" of an electronic file saved on multiple computer hard drives.

"Copy, secondary" means any copy of a record that is not the primary record. Examples include duplicates for informational purposes, copies maintained for administrative use only with no retention value, stockpiles of publications, and distribution copies that do not differ in any way from the primary record. When a record falls into multiple record series, such as a letter that is both correspondence and part of a project file, the copy made for the second record series file is a primary record in that series, not a secondary copy. Secondary copies may be paper copies or electronic files. See "record, primary."

"Exempt record" means records or portions of records that are exempt from public disclosure as explicitly provided for in state statutes. Disclosure exemptions are not limited to the Public Records Act

¹ RCW 42.56.080; WAC 44-14-04002(2)

(RCW Chapter 42.56) and can be found throughout state statutes. Exemption from disclosure of a portion of a record does not automatically exempt the remainder of the record from disclosure. Redactions of exempt information from records otherwise subject to disclosure shall comply with the requirements of state statutes and this policy and procedure.

“Official public records request” means a written request for disclosure of public records by the City. Forms for the purpose of requesting public records shall be approved by the Public Records Officer for general use by City staff. These forms shall not be edited for distribution without the approval of the Public Records Officer.

“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 any state or local agency regardless of physical form or characteristics.² Electronic data, including email, that meets this definition shall be considered a public record, regardless of the medium in which the record was created.

“Public record coordinator” or **“record coordinator”** means the person or persons designated by a department director or designee to accept, respond to, and arrange for fulfillment of requests for disclosure of public records within a City department. Public record coordinators shall have the responsibilities outlined in this policy and procedure.

“Public Records Officer” means the City Clerk or designee. The Public Records Officer shall have the responsibilities outlined in state statutes and this policy and procedure.

“Record holder” means the department or particular staff person in custody of a primary record.

“Record, primary” means the original generation or final official version of a record created by the City or the original copy of a record received by the City. Records to which multiple record series or retention requirements apply may have more than one primary copy for each record series. Informational copies, stockpiles of publications, and duplicate copies with no added or annotated content are not examples of primary records. See **“copy, secondary.”**

“Requestor” means the individual making the request for disclosure of public records by submitting an official public records request.

“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, electronic mail, words, pictures, graphics, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films, microfilms, and prints, motion picture, film, video, and audio recordings, web pages, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.³

² RCW 42.56.010(2)

³ RCW 42.56.010(3)

2. POLICY

2.01 General Policy Statement

Public records maintained by the City of Redmond are and remain the property of the City. The public shall have reasonable access to City records as provided for by statute, rule, and this policy and procedure. Public records shall be safeguarded and protected from loss, damage, and disorganization.⁴

It is the policy of the City of Redmond to provide access to public records in accordance with the requirements of RCW Chapter 42.56 in order to provide helpful, responsive assistance to the public in identifying and accessing public records. Procedures governing access to public records shall provide appropriate safeguards for information exempted from or prohibited from disclosure by statute and shall ensure access to public records without discrimination to persons requesting access to records. Such procedures shall protect public records from loss, damage, and disorganization and prevent excessive interference with other essential functions of the City.⁵

In order to fully assist the public in requesting disclosure of public records, the City shall encourage the use of available electronic resources whenever possible for accessing, requesting, and fulfilling requests for public information, including use of email and provision of information on the City's website. City departments are encouraged to publish commonly requested records and information through convenient electronic means for public access. It is not the policy of the City to solicit the public to request disclosure of public records.

2.02 Records Index

City of Redmond Resolution No. 766, adopted March 15, 1988, declares maintenance of an index of all City records required by RCW Section 42.56.070 to be unduly burdensome.

Nevertheless, particular indexes of records may be created and maintained by City departments for use by City employees. Examples of this kind of index would include a listing of all Redmond SEPA determinations; or a database of all building permit files opened during a certain time period. Pursuant to RCW Section 42.56.070(4)(b), it shall be the policy of the City to make available for public inspection and copying all such particular indexes of City records, if they exist.⁶ All such indexes used by City employees and provided to the public shall be accurate and clearly labeled to reflect the last date the index was updated and whether it is current or obsolete.

The City is not required to create new records in response to a request for disclosure of public records. However, when the City has an existing database of information that feasibly can be tailored to provide information or reports not typically produced in the normal course of business, staff is encouraged to do so as long as it is not deemed to be unduly burdensome and does not interfere with essential City functions.

⁴ WAC 434-615-010; RCW 40.14; RCW 42.56.100

⁵ RCW 42.56.100

⁶ RCW 42.56.070(4)

2.03 Public Records Officer, Generally

In order to ensure compliance with the Public Records Act and the requirements of this policy and procedure, the City Clerk shall serve as the Public Records Officer of the City of Redmond. The City Clerk may appoint a designee in fulfilling the responsibilities of the Public Records Officer.

The Public Records Officer shall oversee compliance with the Public Records Act throughout the City by serving as a point of contact for City staff and members of the public seeking access to public records. As the City's point of contact for public records access, it is not necessary that every request for disclosure be addressed to the Public Records Officer; nor is it intended that every request be reviewed by the Public Records Officer prior to fulfillment. In other words, the Public Records Officer shall serve as a point of contact for members of the public who otherwise may not know where to turn to find a particular public record. In the interest of providing effective access to public records, the Public Records Officer may refer parties requesting disclosure of public records to an appropriate department record coordinator as necessary.

The Public Records Officer shall maintain a list of department record coordinators who are authorized to accept and fulfill requests for disclosure of public records on a regular basis and shall provide advice and instruction to record coordinators and other staff members regarding fulfillment of such requests. The Public Records Officer shall distribute updates on laws, legal precedents, and policy changes affecting fulfillment of records requests, as appropriate, and shall approve all forms for requesting and responding to requests for disclosure of public records. The Public Records Officer may request that record coordinators periodically report disclosure activity.

2.04 Department Record Coordinators

Most records held by the City of Redmond are not in the possession of the Public Records Officer, nor is the Public Records Officer expected to have access to and knowledge of every record of the City. Therefore, in the interest of providing direct, effective, and timely access to public records, there shall be a network of record coordinators ("coordinators") with representatives in every department of the City to assist the public in obtaining access to their records. Departments may have more than one record coordinator, but should not designate an excessive number of coordinators.

Under the oversight of the Public Records Officer, coordinators shall accept requests for disclosure of public records in the possession of their respective departments and shall respond to requestors in accordance with the requirements of state statutes and this policy and procedure.

Record coordinators shall communicate directly with requestors, forwarding disclosure requests to other City employees as necessary, compiling requested records, arranging for the supervised public inspection and copying of requested records, maintaining files and logs of official disclosure requests fulfilled by them, and periodic statistical reporting of disclosure activity to the Public Records Officer, if requested.

The following City departments shall designate coordinators as appropriate to meet request processing requirements. Each department director shall designate at least one coordinator and one backup coordinator.

- Administration
- Finance and Information Services
- Fire
- Human Resources

- Parks and Recreation
- Planning and Community Development
- Police
- Public Works

2.05 Form of Request

Requests for disclosure of public records should be made online through the City's Public Records Center at https://mycusthelp.com/REDMONDWA/_rs/SupportHome.aspx.

Alternatively, the City shall provide an official form approved by the Public Records Officer for submission of public records disclosure requests through email, in person, via regular mail or by fax. As needed, the Public Records Officer may approve alternate disclosure-request forms that are specialized for request of records with unique statutory considerations, such as law-enforcement records, but proliferation of disclosure-request forms is prohibited.

A written request for disclosure of public records shall include the following information:

- an indication that the request is being made for access to a public record;⁷
- the requestor's name, address, and convenient means of contact, such as email address, phone number, fax, etc.;
- the date of the request;
- a description of the records requested sufficient to identify the records;⁸
- a certification that lists of individuals obtained through the request will not be used for commercial purposes in accordance with RCW Section 42.56.070; and
- the signature of the requestor.

The use of official forms provides fullest assistance to requestors by ensuring the correct identification of the records they are requesting. It is not the intent of the City to impose form over substance when requiring that requests for disclosure of public records be in written form. Acceptance of disclosure requests by means other than on official forms approved by the Public Records Officer shall be in accordance with the procedures outlined in section 3.03 of this policy and procedure.

All requests made in any form other than online through the City's Public Records Center will be entered into the City's Public Records Center by a record coordinator or other City staff for responding and tracking purposes.

2.06 Response to Request

Record coordinators shall respond promptly to requests for disclosure of public records in accordance with the requirements of RCW Section 42.56.520 and this policy and procedure. Procedures regarding initial response are outlined in section 3.05 of this policy and procedure. The deadline for initial response is five business days after receipt of the request.

Responses shall be impartial and shall concentrate on the process of fulfilling the request for disclosure. Staff may ask for clarification of a request in order to properly identify the records being requested, and

⁷ WAC 44-14-04002(1)

⁸ WAC 44-14-04002(2); RCW 42.56.080

appropriate care shall be taken when seeking clarification to avoid the appearance that justification or explanation of the motives of the requestor are required.

When responding to requests for disclosure of records that are not in the possession of the City, staff is encouraged to direct requestors to other agencies known or believed to have the records sought.

Initial and final responses from staff to official requests for disclosure of public records shall be provided online through the City's Public Records Center or made in writing by fax, letter, notation on a request form, or electronic mail, as appropriate to the circumstances. Clarification of disclosure requests may be obtained in writing or verbally, and staff is encouraged to write down verbal clarifications and include them in the public records request file. Final responses shall clearly state that they complete in full, or close, the responding department's participation in the disclosure request.

To reduce proliferation of paper copies and in the interest of efficiently and expeditiously responding to requests for disclosure of public records, record coordinators will use the City's online Public Records Center or use other electronic means such as email and the City website when appropriate to respond to, fulfill, and track records disclosure requests. This policy shall not obligate staff to create electronic or other records, or to convert electronic records into a format or medium in which the records are not already maintained. When asked by a requestor to convert an electronic record into a different format, staff is encouraged to do so when feasible, provided such conversion is not unduly burdensome and does not interfere with essential City functions.⁹ Requestors may request paper copies of electronic records, subject to applicable copying charges adopted by the City.

Responses to requests for disclosure of public records, including responses online through the City's Public Records Center or by electronic mail, become public records in their own right, subject to the provisions of the Public Records Act and the retention requirements of the Office of the Secretary of State and shall be maintained accordingly.

2.07 Exemption

The Public Records Act and other statutes exempt from or prohibit disclosure of a long list of public records. In the interest of safeguarding confidential information consistent with these laws, it is the policy of the City of Redmond to provide prompt and helpful access to all public records in the City's custody that state statutes do not exempt or prohibit from disclosure. Requested records may only be withheld or redacted consistent with statutory requirements, which shall be documented for the requestor in accordance with the requirements of RCW Section 42.56.210.

Some public records that are otherwise subject to disclosure may contain specific contents that are exempt from disclosure. The presence of exempt information does not necessarily exempt an entire record from disclosure. Exempt portions of an otherwise disclosable record shall be redacted prior to inspection or copying and such redactions shall be documented. The requestor shall be notified of the redaction in accordance with the requirements of RCW Section 42.56.210.

2.08 Overly Broad Requests and Installments

The Public Records Act prohibits agencies from distinguishing among persons requesting records and prevents the City from inquiring as to the purpose for a disclosure request except when necessary to

⁹ WAC 44-14-04004(2)

establish whether inspection and copying would violate a statutory exemption or prohibition.¹⁰ Requestors shall not be required to explain the intent of a disclosure request or provide identifying information not reasonably necessary to fulfill a request or to comply with a statutory requirement. This policy shall not prevent staff from requesting clarification or refinement of requests in order to correctly identify the records sought by a requestor.

The Public Records Act also prohibits an agency from denying a request for public records solely on the basis that the request is “overbroad.”¹¹ When receiving a request that appears to be overly broad in nature, staff shall request clarification from the requestor to ensure that the appropriate records are identified and may consult with the Public Records Officer, department director or designee, or immediate supervisor in accordance with this policy and procedure. The City Attorney also may be consulted in these cases, but only upon department approval. Clarification shall focus on identification of records, not the purpose of the individual in requesting access to them. A request for “all records relating to” a topic shall not be construed necessarily to indicate that a disclosure request is overly broad.

Large or complex disclosure requests may be fulfilled through an installment process as described in this policy and procedure. When installments are provided, the City may postpone compilation of later installments if earlier installments remain unclaimed or uninspected by the requestor. In such cases, staff shall consult with the Public Records Officer and department director or designee before postponing compilation of an installment.

¹⁰ RCW 42.56.080

¹¹ RCW 42.56.080

3. PROCEDURE

3.01 Applicability

This policy and procedure shall apply to all employees of the City of Redmond, the Redmond City Council, and all advisory boards and commissions of the City of Redmond. Departments that handle records with special confidentiality considerations may consult with the Public Records Officer to accommodate their particular records needs. This policy and procedure does not apply to responses to legal discovery governed by State or Federal Rules of Civil Procedure.

3.02 Public Records Officer

The Public Records Officer shall oversee the City's compliance with the Public Records Act. The City Clerk, or a designee of the City Clerk, shall serve as the Public Records Officer to provide City staff and members of the public with a point of contact for public records access and shall have the following responsibilities:

- oversee compliance with disclosure law;
- administer the City's online public records request tracking system;
- with record coordinators, serve as a point of contact for the public for access to public records;
- be available to direct the public to appropriate record coordinators in possession of particular records;
- serve as a resource to staff on topics related to disclosure of public records;
- maintain a list of department record coordinators;
- consult with record coordinators and other staff about fulfillment of records requests;
- approve forms for use in processing records disclosure requests;
- disseminate legal updates and policy changes affecting records requests;
- collect and analyze relevant information related to the City's performance of public records disclosure; and
- train record coordinators with respect to the requirements of RCW 42.56, the Public Records Act.

Current names and contact information for all record coordinators shall be provided by City departments to the Public Records Officer.

3.03 Receipt of Request

Form for Written Request. Requests for disclosure of public records should be made in writing. The City shall provide an online public records disclosure system, or alternatively, an official form approved by the Public Records Officer for submittal of public records disclosure requests. Official disclosure requests not entered online through the City's Public Records Center shall include, at a minimum, the following information:

- an indication that the request is being made for access to a public record;¹²
- the requestor's name, address, and convenient means of contact, such as email address, phone number, fax, etc.;
- the date of the request;
- a description of the records requested sufficient to identify the records;¹³
- a certification that lists of individuals obtained through the request will not be used for commercial purposes in accordance with RCW 42.56.070; and

¹² WAC 44-14-04002(1)

¹³ WAC 44-14-04002(2); RCW 42.56.080

- the signature of the requestor.

Written disclosure requests submitted by mail, email, fax, personal delivery, or other means should include a completed and signed official request form. When a written request is received that does not include a completed request form or the information listed above, staff may ask that the requestor complete and submit a form to obtain information needed to identify records or respond effectively. If a requestor refuses to complete a public records disclosure request online or through use of the provided form, staff should encourage the requestor to make the request in writing. In cases where a requestor refuses to submit a written request, staff shall consult with the Public Records Officer to ensure an appropriate response, which should include reducing the request to writing and asking the requestor to verify in writing that it correctly memorializes the request.

Unnoticed Requests. When a request is submitted together with other documents not related to disclosure of public records, it shall be the responsibility of the requestor to provide reasonable notice that a disclosure request is included. This notice may be in the form of an entry on a cover or transmittal sheet.¹⁴

Lists of Individuals. Requests for disclosure of public records that include lists of individuals shall include a signed certification by the requestor that such lists shall not be used for commercial purposes.¹⁵ A certification provision is included on the City's official records request form.

Receipt by Staff. Disclosure requests provided outside the City's online Public Records Center may be accepted by any designated department record coordinator or other department staff person under the general direction of the record coordinator or Public Records Officer. Such requests shall be receipt-stamped or dated on the face of the request by the staff member accepting the request and shall be entered into the City's online Public Records Center by staff for tracking and filed in accordance with the requirements of this policy and procedure.¹⁶

When a record coordinator receives a disclosure request that affects other record holders, the coordinator shall forward the request immediately to other department staff believed to have records responsive to the request. It is important to allow additional staff sufficient time to respond to the receiving coordinator or directly to the requestor before the passage of five (5) business days from the request date. When forwarding such a disclosure request, the five-day response deadline shall be clearly communicated to the additional record holders.

Requests not on Official Forms. Nothing in this policy and procedure shall prevent the acceptance of a reasonable form of written request for disclosure of public records by letter or other medium, provided the request is identified as a request for disclosure of a public record, includes a description sufficient to identify the record requested, provides sufficient contact information for staff to respond to and fulfill the request, and includes all legally required identification or certifications pertinent to disclosure of the record requested. Lists of individuals may not be provided in response to a public records disclosure request without completion by the requestor of a signed certification that such lists will not be used for commercial purposes.¹⁷ If a requestor refuses to submit a written request, staff may encourage use of an

¹⁴ WAC 14-44-04002(1)

¹⁵ RCW 42.56.070(9)

¹⁶ See Section 3.11 – Recordkeeping and Reporting

¹⁷ RCW 42.56.070(9); WAC 44-14-03006; Op. Att'y Gen. 12 (1988), at 11

official request form for the benefit of the requestor and in any event shall memorialize the request in writing and shall ask for confirmation from the requestor that the request summary is correct.

3.04 Written Response

Responses in Writing. Initial and final responses by staff to disclosure requests shall be in writing, and may be provided online through the City's Public Records Center or by mail, email, fax, or other approved electronic means. A written response may take the form of a notation on a request form that the request was fulfilled.

Alternative Formats. When fulfilling a records request, records may be provided in the format in which they are kept, such as in electronic formats, and may be converted to another format if the conversion is not burdensome to staff. An example might include exporting a database record to a spreadsheet format even though it is not normally maintained as a spreadsheet. Requests for provision of records in paper form or by data storage device, such as CD or DVD, shall be subject to applicable charges adopted by the City for copies or to cover the actual cost of third-party data conversion.¹⁸

Verbal Clarification. Notwithstanding the requirement for written responses, staff may seek verbal clarification or refinement of a request, provided such conversations are documented at the time they occur and the requestor's name, date and time of clarification, and the information received are recorded in writing and added to the disclosure request file.

3.05 Initial Response

All requests for disclosure of public records shall be afforded the same treatment and consideration, without distinction among persons and without regard to intent of the request.¹⁹ Initial responses to disclosure requests shall acknowledge receipt of the request and shall include a summary of the original request. Fulfillment of disclosure requests shall be processed in the order that provides the timeliest response. Requests may be fulfilled in the order of receipt as long as easily fulfilled requests are not postponed behind larger or more complicated requests strictly because they were received later.

Who Responds. Response to a request for disclosure of public records shall be the responsibility of the record holder fulfilling the request. A record coordinator accepting and forwarding a request who is not the record holder may also track the fulfillment of the request and may be designated to coordinate response on behalf of a record holder. In the interest of fullest assistance to requestors and efficient fulfillment of requests, the record holder will be the ordinary responder to most disclosure requests, and record coordinators forwarding requests to record holders shall be responsible for ensuring that requests are forwarded successfully in a timely manner and are not lost during transmission.

When a request is forwarded from one department to another for response, the coordinator forwarding the request should include a note that the record holder is expected to respond to the requestor directly. Forwarded requests should also include the response deadline in keeping with RCW 42.56.520 (see deadline information below).

When a request involves multiple record holders, is broad in scope, or is otherwise complicated to fulfill, a record coordinator or the Public Records Officer may act as a single point of contact for the City to coordinate fulfillment of the disclosure request.

¹⁸ WAC 44-14-07003

¹⁹ RCW 42.56.080

Deadline for Initial Response. Requests for disclosure of public records shall be responded to within five business days of first receipt of the request by any department of the City. Forwarding of requests to record holders does not extend the deadline for initial response. The five business days begins on the business day immediately following receipt of the request and does not include weekends or City holidays.²⁰ If a response is not provided to the requestor within the five-day time period, the record coordinator shall send an initial response immediately upon learning of the oversight.

Types of Initial Response. Initial responses, made within five business days of receipt of a disclosure request, shall acknowledge receipt of the request and may take one of the following forms, depending on the circumstances:

- If the record requested is available via the City website, staff may recommend the requestor access the record online at the requestor's option. Appropriate care shall be taken to ensure that this option is not mistaken as a refusal to provide the requested record in paper or other approved format.
- If a request is submitted without official forms, the initial response may request completion of the appropriate forms, subject to the provisions of Section 3.03 of this policy and procedure.
- An initial response may ask for clarification or refinement of the request if needed to identify the record requested.
- When possible, the initial response may include the requested records.
- If the initial response does not include copies of the requested records, it shall provide a reasonable estimate of when the request can be fulfilled.²¹ When providing a reasonable estimate of time required to fulfill a disclosure request, the record coordinator may take into account the time required to refine or clarify a request, locate or retrieve requested records, redact or withhold exempt records and create associated documentation, consult with appropriate staff regarding potential exemptions, and notify third parties or other agencies of requests for information of a sensitive nature consistent with the provisions of RCW Section 42.56.540.²²
- An initial response may propose fulfilling large or complicated requests on an installment basis and provide an estimated time frame for preparation of the first installment.
- An initial response may indicate that the City does not have records responsive to the request.
- If the City does not have records responsive to the request, the initial response may direct the requestor to another agency believed to have the records requested.

3.06 Finding Responsive Records

Requesting Clarification. When identifying records requested for disclosure, the record coordinator may ask the requestor for clarification or refinement of the request. Such clarifications may be verbal or in writing. In the case of verbal clarifications, staff involved in the conversation shall document the clarification in writing and include the information in the request file. Care shall be taken to ensure that requests for clarification focus on identification of records, rather than the purpose of an individual in requesting access to them.²³ Staff shall not conclude that a disclosure request is overly broad or does not adequately identify the records requested without attempting to obtain clarification from the requestor.

²⁰ RCW 42.56.520

²¹ RCW 42.56.520

²² WAC 44-14-04003(11)

²³ RCW 42.56.080

Creation of New Records. Record coordinators are not required to create new records in response to a request for disclosure of public records, but shall, when deemed feasible, tailor existing informational databases or indexes to provide a report responsive to a disclosure request that otherwise would not be produced in the normal course of business. The determination of the feasibility of creating such reports shall be made in consultation with the department director or designee and shall take into account the ability to redact or withhold exempt information. Databases and reports shall not be tailored or produced in such cases if doing so is deemed unduly burdensome to staff. Record coordinators are not required to fulfill requests for records that do not currently exist but may be created in the future.²⁴

Existing Indexes. City of Redmond Resolution No. 766, adopted March 15, 1988, declares the maintenance of an index of all City records unduly burdensome. However, if indexes exist, they shall be made available for public inspection, subject to considerations for handling of confidential or exempt information. Such indexes provided to the public shall be appropriately labeled to indicate how current the data in the list or database is as of a given date and whether the list or database is actively in use and accepting new data or closed to additions as of a certain date.

3.07 Internal Review Prior to Public Inspection

Questions of Exemption. When doubt arises as to whether records or portions of records subject to a disclosure request are exempt from disclosure, a record coordinator shall consult the department director, Public Records Officer, and City Attorney, who may inspect the subject records before authorizing their disclosure.

Questions of Overly Broad Requests. When staff is unable to confidently identify the records sought by a requestor or when a request appears to be overly broad, and unsuccessful attempts have been made to obtain clarification from the requestor, staff shall consult with the Public Records Officer and department director or designee, who shall review the request and provide direction to staff regarding its fulfillment. Upon department approval, staff may consult with the City Attorney on such requests and shall do so in the absence of the Public Records Officer or a department director or division manager.

3.08 Immediate Inspection of Records “Over the Counter”

Record coordinators may, at their discretion and in accordance with department policy, respond immediately to disclosure requests without the need for completion of a written request, tracking in the City’s online Public Records Center, or the need for a written response by the City when all of the following conditions exist:

- the records requested are easily accessible to the record coordinator;
- the requested records do not contain lists of individuals;
- the requestor is seeking only inspection of the record and no copies are provided by the City;
- the record coordinator can fulfill the request without referring it to other City staff; and
- the request is not for records that are subject to withholding or redaction due to disclosure exemptions or confidentiality considerations.

When a disclosure request is received in writing and the requested records are provided in person at the same time the request is received, a separate written response by the record coordinator is not required. In such a case, a notation shall be made on or attached to the request listing the records produced, the

²⁴ WAC 44-14-04003(5)

number of copies made, the fees charged if any, the name of the staff person providing the record, and the date of fulfillment.

3.09 Final Response

Final responses shall either include the requested records or provide direction to the requestor to arrange for inspection of the records (if wanted by the requestor) or obtain requested copies. Record coordinators are not required to create new records in response to a request for disclosure of public records, nor are they required to fulfill requests for records that may be created in the future.²⁵

Deadline for Final Response. Final responses to disclosure requests shall be made within five business days of first receipt of the request or by the estimated date of fulfillment described in the City's initial response or a subsequent clarification response. When records are not able to be provided by the date estimated by the City, the record coordinator shall provide a written updated estimate to the requestor at the earliest possible opportunity.

Requestor's Deadline. Requestors shall arrange to inspect records or claim copies of requested records within 30 calendar days following notification by the City that responsive records are available for inspection or copying. The 30 calendar days begins on the business day immediately following the City's notice that the records are available and includes weekends and legal holidays. A record coordinator may extend this time period as appropriate to ensure fullest assistance to requestors. If a requestor fails to claim or arrange for inspection of requested records before the expiration of the 30 calendar days, the records shall be returned to the record holder for refile and the disclosure request shall be deemed abandoned and closed. Prior to closing the request, the record coordinator shall make a reasonable attempt to confirm whether the requestor still wants the requested records.

Who Responds. Response to a request for disclosure of public records shall be the responsibility of the record holder fulfilling the request. When a request involves multiple record holders, is broad in scope, or is otherwise complicated to fulfill, a record coordinator or the Public Records Officer may act as a single point of contact for the requestor to coordinate fulfillment of the disclosure request.

Inspection of Responsive Records. Requestors may choose to inspect requested records prior to City staff making copies and should be encouraged to do so, especially when the volume of records is large. Inspection prior to copying may serve to narrow the scope of the request and can be useful for identifying and providing to requestors the appropriate responsive records. Requestors may make arrangements with a record coordinator to inspect records on City premises during normal business hours at a mutually convenient time. Staff shall make every effort to accommodate reasonable requests for appointment times while ensuring the security of public records during inspection.

The record coordinator fulfilling the disclosure request shall provide for the security of records during their inspection, which shall be supervised by City staff as deemed appropriate. Requestors shall return all records inspected to the record coordinator in the condition and order they were provided, and records shall not be altered in any way, rearranged, or removed from folders or City premises during inspection. A requestor may flag selected pages for copying, but shall not alter the original record.

²⁵ WAC 44-14-04003(5)

Installments. Records responsive to disclosure requests may be fulfilled in partial installments when deemed appropriate to provide fullest assistance to requestors.²⁶ Installments shall not be used to intentionally delay fulfillment or inspection of requested records. Installment responses may be useful when the quantity of records requested is large, when record holders from several departments are involved, when extensive research is required to locate requested records, or when requested records are difficult to identify. Installments are subject to the same deadlines for claiming and inspecting records described in this section. If an installment is not claimed or if arrangements for inspection of an installment are not made prior to expiration of 30 calendar days from notification of availability, the City may discontinue compiling subsequent installments of the same disclosure request.²⁷ A reasonable attempt shall be made by the record coordinator to contact the requestor prior to deeming an installment request abandoned.

Multiple Requests by Same Party. When the same requestor submits multiple, separate disclosure requests at the same time, the agency may ask the requestor to clarify the priority of the requests²⁸ and may produce the requests in installments. If upon notice that the first installment is available for inspection and/or retrieval, a requestor does not inspect and/or retrieve or pay for the installment, further installments may be withheld until such time as payment/retrieval of the first installment is made. Proper notification shall be given from the agency to the requestor regarding the availability of requested records. The agency may give notice that if not responded to within 30 calendar days, the request shall be deemed abandoned and closed.

Copies Provided to Requestor. Copies of requested records may be produced by a third-party service when deemed appropriate or necessary by a department director or designee. Reasonable efforts shall be made to ensure the security of records sent out for copying. There shall be no charge for inspection of records, but appropriate fees may be charged for copies of records, as provided for in this section.²⁹

Electronic Copies. Records available in electronic form may be provided to a requestor in their native format unless the requestor specifically asks that they be provided in paper or other form.³⁰ When requested and deemed feasible, electronic records may be converted from one format to another provided such conversion is not unduly burdensome to staff. There shall be no charge for fulfillment of records requests in which electronic records are provided via the City's online Public Records Center or through email and no paper copies or electronic storage devices are produced, unless considerable staff time is necessary to produce the electronic records (scanning of paper records into electronic format) or outside conversion or formatting of the records are needed. See the provisions of Section 3.04 of this procedure for more information relating to conversion of records to alternative formats.

Copy Charges. Charges for copies shall be in accordance with the fee schedule of the department fulfilling the request, and sales tax shall not be charged for copies of public records disclosures created in-house for standard copies.³¹ Sales tax may be included in cost recovery for non-standard copies of records sent out-of-house for copying. The department director or director's designee may waive charges for copies of records responsive to a disclosure request for any of the following circumstances:

²⁶ RCW 42.56.080

²⁷ RCW 42.56.120

²⁸ WAC 44-14-03006

²⁹ RCW 42.56.120

³⁰ WAC 44-14-050

³¹ RCW 42.56.120; RCW 82.12.02525; WAC 44-14-07001

- the total number of copies is 13 or fewer letter-size pages;
- the total copy charge is less than two dollars; or
- the copies are requested by the State or a local agency.

Copy charges may be remitted by cash, check, money order, MasterCard, or Visa payment. The record coordinator shall provide for collection of copy fees prior to provision of the records. When requested records are provided on an installment basis, fees shall be collected for copies prior to provision of the installment. Failure to pay for an installment shall place compilation of subsequent installments on hold. If arrangements for payment of copy fees for an installment are not made within 30 calendar days of notice that the installment is available, the entire disclosure request may be deemed abandoned and the records returned to the record holder for refiling. A reasonable attempt shall be made by the record coordinator to contact the requestor prior to deeming an installment request abandoned.

3.10 Exemption from Disclosure

Withholding or Redaction of Records. Requested records may be subject to exemption from disclosure under the Public Records Act or other statutes. A link to a list of known, applicable exemptions not included within the Public Records Act is included with this policy and procedure as Appendix B. The City cannot define the scope of a statutory exemption, nor does an agreement by the City not to disclose a record exempt that record from disclosure. Exemptions shall be narrowly construed in favor of disclosure.³² Exempt records shall be withheld or redacted, when necessary, consistent with statutory requirements, and the withholding or redaction shall be documented for the requestor in accordance with the requirements of RCW Section 42.56.210 and this policy and procedure.

The presence of exempt content does not necessarily exempt an entire record from disclosure. Exempt portions of an otherwise disclosable record shall be redacted, when necessary, prior to inspection or copying. Such redactions shall be documented and the requestor notified of the redaction in accordance with the requirements of RCW Section 42.56.210 and this policy and procedure.

Prior to withholding or redaction of exempt records, a record coordinator shall consult with the department director, Public Records Officer, and City Attorney. Departments may adopt standard procedures for withholding or redaction of commonly requested exempt records.

When requested records are redacted, the record coordinator shall keep a copy of the redacted records for the disclosure request file. A listing only of the redacted records provided to the requestor is not sufficient in accordance with the provisions of the official Washington State records retention schedules.

Withholding Index. When records are withheld or redacted, the requestor shall be informed in writing of the reason and be provided the statutory citation supporting the withholding.³³ A withholding index shall be prepared for the requestor listing the information withheld and the statutory basis for each redaction or record withheld. Individual occurrences of the same redaction may be listed generally in the withholding index. For example, a withholding index need not list separately every occurrence of the redaction of an individual's social security number, but may list once that the number has been redacted throughout the record.

³² WAC 44-14-06002(1)

³³ RCW 42.56.210(3)

Administrative Review of Denial. A requestor may ask for review of a decision to withhold or redact exempt records by submitting a written petition to the Public Records Officer that includes a copy of or detailed description of the City's statement of withholding. The request for review and any relevant information shall be forwarded immediately to the City Attorney, who shall consider the petition and either reverse or affirm the denial within two days of the City's receipt of the petition. The City and the requestor may mutually agree to a longer period of time for consideration of a petition for review. If the withholding or redaction is affirmed, the decision shall be considered the City's final action for the purposes of judicial review.³⁴ If the decision to withhold or redact is reversed, the record coordinator shall proceed to make the subject records available to the requestor for inspection in accordance with the provisions of this policy and procedure. See Section 3.09 of this procedure for more information regarding fulfillment of disclosure requests.

Judicial Review of Denial. After two days following receipt by the City of a petition for review of withholding or redaction of records, a requestor may petition the Superior Court for review of the City's decision in accordance with the provisions of RCW Section 42.56.550.

3.11 Recordkeeping and Reporting

Files of Disclosure Requests. Record coordinators shall maintain files of public records disclosure requests received in their departments that shall include the original written disclosure request and file copies of the records provided to the requestor, provided these records are not already housed, in full, in the City's electronic Public Records Center. Each department or division shall maintain one file of disclosure requests encompassing all requests fulfilled by the record coordinators within the department or division. When it is not feasible to create file copies of the records provided to the requestor, the record coordinator may keep a listing of the records supplied in lieu of file copies, provided file copies shall be maintained of any records withheld or redacted as exempt from disclosure. Files of disclosure requests are a public record subject to disclosure and retention in accordance with the requirements of the official Washington State records retention schedules and this policy and procedure.

Tracking Logs of Disclosure Requests. If requests are not already being logged through the City's Public Records Center, record coordinators are encouraged to maintain tracking logs of public records disclosure requests received in their departments that shall include, at a minimum, the name of the record coordinator receiving a request; dates of receipt, forwarding, and response to official requests; name, address, and convenient contact information for the requestor; a brief description of the requested records; names of staff to whom the request is forwarded; description of any clarifications of the request; names of staff responding to the request, and a dated notation of the closure of the request. Each department or division is encouraged to maintain one log of records disclosure requests that shall include information contributed by all the record coordinators within the department or division. Tracking logs of disclosure requests are a public record subject to disclosure and retention in accordance with the requirements of the official Washington State records retention schedules and this policy and procedure. As of May 2015, tracking of records requests is being conducted through the City's Public Records Center.

Location of Files. Due to the relatively short retention period for public records disclosure requests and the relative costs associated with rental of records storage space, City offices shall be the normal location of request files and associated logs and copies of responsive records. If disclosure request files are moved to an off-site storage facility, the Public Records Officer and department director shall be informed of the transfer.

³⁴ RCW 42.56.520; WAC 44-14-080

4. RETENTION

4.01 Disposition Authority

Disclosure requests and associated tracking logs are themselves public records that shall be retained and scheduled for destruction in accordance with the official Washington State records retention schedules. The Washington State Local Government Common Records Retention Schedule indicates that Disposition Authority Number (DAN) GS2010-014 governs retention of disclosure request files, including the requests and responses to them. DAN GS2010-014 applies to the following records of the City of Redmond, regardless of form or physical characteristics (i.e., whether in paper or electronic form):

- original requests for disclosure of public records;
- all City responses to disclosure requests;
- file copies, including redacted records, and lists of records provided in the course of fulfilling a disclosure request; and
- documentation of administrative review of disclosure requests.

Similarly, DAN GS50-09-13 governs retention of tracking logs of public records disclosure requests, regardless of form or physical characteristics of the log.

4.02 Destruction

Documenting Destruction. Destruction of disclosure requests and associated records and tracking logs shall comply with State law, the official Washington State records retention schedules, and City of Redmond records management policies and procedures. Files and logs of public records disclosure requests shall not be destroyed prior to completion of their lawful retention periods. Appropriate documentation of destruction, including destruction affidavits and destruction logs, shall be created and retained accordingly. See DAN GS50-09-06 for additional retention information for destruction documentation.

Destruction Hold. When public records of any kind are scheduled for destruction and prior to destruction become the object of a request for disclosure or litigation hold, destruction of these records shall be postponed and the lifespan of the records shall be extended to include their retention for the life of the disclosure request or litigation hold.³⁵

Requests for Disclosure of Other Disclosure Requests. Disclosure requests are themselves public records. When past disclosure requests are the subject of a new request for public records, the applicable past requests cannot be destroyed, even if they have otherwise completed their retention requirement.³⁶ Once the new request is resolved, the older requests can be disposed of in accordance with their original retention requirement. A copy of the older records requests that are provided under the new request should be included in the file of the new request and retained for the period of time appropriate to the new request.

³⁵ RCW 42.56.100; WAC 44-14-03005

³⁶ Applicable retention is documented under Disposition Authority Numbers (DANs) GS2010-014 and GS50-09-13

**APPENDIX A –
DISCLOSURE EXEMPTIONS OF RCW 42.56**

[The list of exemptions can be found by clicking here.](#)

**APPENDIX B –
DISCLOSURE EXEMPTIONS AND PROHIBITIONS NOT LISTED IN RCW 42.56³⁷**

[A list of exemptions can be found by clicking here.](#)

³⁷ Municipal Research and Services Center, *Public Records Act for Washington Cities, Counties, and Special Purpose Districts*, Appendix C.

**APPENDIX C –
TEXT OF RCW 42.56.210**

RCW 42.56.210

Certain personal and other records exempt.

(1) Except for information described in RCW 42.56.230(3)(a) and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this chapter are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(2) Inspection or copying of any specific records exempt under the provisions of this chapter may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(3) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

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