

GRAYS HARBOR COUNTY RESOLUTION NO. 2017- 114

**A RESOLUTION OF THE GRAYS HARBOR COUNTY BOARD OF COMMISSIONERS ADOPTING A POLICY AND PROCEDURES FOR THE MANAGEMENT OF PUBLIC RECORDS REQUESTS**

**WHEREAS**, the Public Records Act (chapter 42.56 RCW) requires counties to respond to requests for public records; and


**WHEREAS**, the Grays Harbor County Public Records Officer has developed a policy and procedures for managing requests for public records; and

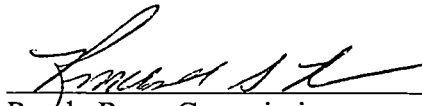
**WHEREAS**, the Grays Harbor County Board of Commissioners has reviewed the said policy and procedures and has determined that it is in the best interest of Grays Harbor County to adopt the policy and procedures for county use,

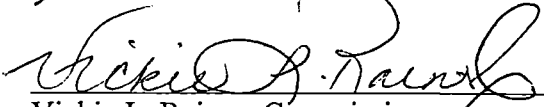
**NOW THEREFORE, BE IT HEREBY RESOLVED** by the Grays Harbor County Board of Commissioners that the Grays Harbor County Public Records Policy (Attachment A) and the Grays Harbor County Public Records Procedures (Attachment B) are hereby adopted.

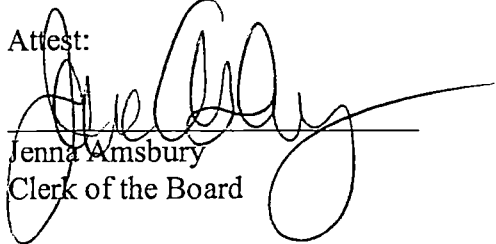
**ADOPTED** this 30 day of October, 2017.

**BOARD OF COMMISSION  
GRAYS HARBOR COUNTY**

  
\_\_\_\_\_  
Wes Cormier, Chair

  
\_\_\_\_\_  
Randy Ross, Commissioner

  
\_\_\_\_\_  
Vickie L. Raines, Commissioner

Attest:  
  
\_\_\_\_\_  
Jenna Amsbury  
Clerk of the Board

**ATTACHMENT A**  
**GRAYS HARBOR COUNTY**  
**PUBLIC RECORDS POLICY**

**1.0 GENERAL**

The County is required by Chapter 42.56 RCW (the Public Records Act) to adopt and enforce reasonable rules and regulations to provide full access to public records. This policy complies with the requirements of the Public Records Act by providing for consistent and predictable practices for responding to and fulfilling requests for public records in a manner consistent with the Act.

This document clarifies the County's goals and intent with respect to providing access to public records.

These policies include statutory requirements and best practices. Nothing in this policy is intended to create legal obligations or rights beyond those obligations and rights created by statute or other binding laws.

**2.0 DEFINITIONS**

2.1 This policy incorporates the definitions in RCW 42.56.010.

2.2 For the purpose of this policy, the following definitions apply:

**2.2.1 "All records relating to,"** "all records regarding," or "all records pertaining to" means those records that directly and fairly address the topics that are reasonably identifiable by the Public Records Officer or Records Liaison as fulfilling the request. These phrases are inherently ambiguous and requesters are encouraged to avoid using such terms when possible to avoid unnecessary delays.

**2.2.2 "The County"** means Grays Harbor County, Washington. Grays Harbor County includes all elective offices, departments, divisions, boards, commissions or other local public entities/agencies within Grays Harbor County's governmental structure to which the Public Records Act applies, including advisory groups comprised of volunteers appointed to make recommendations to elected officials. If an entity is not defined as an "agency" under the Public Records Act and other applicable law, such as a court, that entity is not a County Agency subject to this procedure.

**2.2.3 "Court records request"** means any request for Grays Harbor County Superior Court or Grays Harbor County District Court records. Court records are exempt from the Public Records Act and are subject to release directly through the either Grays Harbor County Superior Court or Grays Harbor County District Court under General Rule 31.1.

**2.2.4 "Exempt record"** means records or portions of records that are exempt from public disclosure. Exemptions include those identified in the Public Records Act or in other statutes incorporated by RCW 42.56.070. Exemption from

disclosure of a portion of a record does not automatically exempt the remainder of the record from disclosure.

**2.2.5 “Public record”** as defined by RCW 42.56.010, 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. Electronic data, including email, that meet this definition shall be considered a public record. Records created or received by employees using non-county devices only meet the definition of public record if the employee was acting within the scope of employment when the record was created or received.

**2.2.6 “Public records request”** means a request made to Grays Harbor County pursuant to the Public Records Act for disclosure of public records in a format required by Grays Harbor County Code. Requests for public records made pursuant to other statutory rights of access to public records shall not be considered “public records requests” but may be otherwise handled under this policy.

**2.2.7 “Public Records Liaison” and “Records Liaison”** means the person or persons designated by an elected official or department director, or their designee, to work in cooperation with the County’s Public Records Officer.

**2.2.8 “Public Records Officer”** means the County Public Records Officer.

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

**2.2.10 “Requester”** means the individual making the request for public records by submitting a public records request.

### **3.0 POLICY**

#### **3.1 General**

Public records maintained by Grays Harbor County are and remain the property of the County. It is the policy of Grays Harbor County to provide access to public records in accordance with the requirements of Chapter 42.56 RCW. Procedures governing access to public records shall ensure access to public records without discrimination to requesters and shall provide appropriate safeguards for information exempted from or prohibited from disclosure by statute.

In order to fully assist the public in requesting public records, the County 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 County’s website.

#### **3.2 Public Records Officer**

The County has a designated Public Records Officer. The duties of the Public Records

Officer shall not routinely include requests made to the Grays Harbor County Sheriff's Office, Grays Harbor County Superior Court, Grays Harbor County Superior Court Clerk, Grays Harbor County District Court, or Grays Harbor County Juvenile Department; those offices are specifically excluded from the policies contained within this section and these offices and departments shall routinely be responsible for their own records requests. However, where working together on common requests will result in the expedient production of records, the Public Records Officer may work together with the Public Records Staff of the Courts, Juvenile Department, and Sheriff's Office when such assistance has been requested by the affected department.

The Public Records Officer shall oversee compliance with the Public Records Act throughout the County by serving as a point of contact for County staff and members of the public seeking access to public records. It is intended that all requests be addressed or submitted to the Public Records Officer, after which the requests will be logged and forwarded to the appropriate office or department for collection of the relevant records. In most cases, the Public Records Officer will be the contact person between the requester and the County; however, in the interest of providing effective access to public records, the Public Records Officer may refer parties requesting public records directly to a department Records Liaison, as appropriate.

The Public Records Officer shall maintain a list of department Records Liaisons who are designated to assist in the fulfillment of requests for disclosure of public records. The Public Records Officer shall provide advice and instruction to Records Liaisons.

The Public Records Officer shall under the advisement and guidance of the Prosecutor's Officer and the County Commissioners conduct trainings related to public records; distribute updates on laws, legal precedents, and policy changes affecting fulfillment of records requests, as appropriate; and create and/or approve all forms for requesting and responding to requests of public records.

### **3.3 Public Records Liaisons**

There shall be a network of Records Liaisons with representatives in every office/department of the County to assist the public in obtaining access to public records. Each elected official and department director shall designate at least one Records Liaison and one backup Records Liaison. Each department will inform the Public Records Officer of all Records Liaisons and designated backups.

In consultation with the Public Records Officer, Record Liaisons shall compile requested records, assist in the review of email searches and document the time spent on each record request.

### **3.4 Providing an Immediate Response**

It is the intent of this policy that records are provided to requesters as promptly as possible, while remaining in compliance with applicable laws.

If the record is easily identified, readily available, is not a list of individuals, requires no review or redactions, and will not cause significant disruption to normal workflow, then the

record may be provided immediately.

When responsive documents are provided by email the Public Records Officer should be cc'd on the email for tracking purposes. The appropriate email address is [publicrecords@co.grays-harbor.wa.us](mailto:publicrecords@co.grays-harbor.wa.us).

If a hard copy of the document is provided, then the request should be documented on a log that is kept for each department. This log will be provided to each department by the Public Records Officer. It shall be completed for each document that is provided under the provisions of this section. These logs will be given to the Public Records Officer on a monthly basis for retention.

Any request under 10 pages will be provided at no cost. Any request exceeding 10 pages must be handled as a formal public record request, which will require the mandatory response letter and any associated fees.

### **3.5 Public Records Requests**

Requests for public records shall be made in writing. The County shall provide an official form for submission of public records requests which shall be created by the Public Record Officer. These forms shall not be edited for distribution without the approval of the Public Records Officer. As needed, the Public Records Officer may approve alternate request forms that are specialized for request of records with unique statutory considerations.

### **3.6 County Response**

The Public Records Officer shall respond promptly to requests for public records in accordance with the requirements of RCW 42.56.520 and this policy and procedure. **The deadline for initial response to the records request is five (5) business days after receipt of the request.** Business days do not include weekends and County holidays.

Initial and final responses to requests for public records shall be made in writing and may be by fax, letter, notation on a request form, or email. The Public Record Officer may ask for clarification of a request in order to properly identify the records being requested. Clarification of requests must be obtained in writing; if provided verbally, a written record confirming clarification shall be sent to the requester.

All requests for public records shall be afforded the same treatment and consideration, without distinction among persons, and without regard to the intent of the request.

To reduce proliferation of paper copies and in the interest of efficiently and expeditiously responding to requests for disclosure of public records, the Public Records Officer and Records Liaisons are encouraged to use electronic means to respond to, fulfill, and track public records 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 requester to convert an electronic record into a different format, staff is

encouraged to do so when reasonable and technologically feasible, provided such conversion is not unduly burdensome and does not interfere with other essential County functions. Requesters may request paper copies of electronic records, or copies of electronic records in another electronic format, subject to applicable charges adopted by the County.

The County determined by Resolution ~~201-112~~<sup>201-112</sup> that performing a study to calculate the actual costs of providing records is unduly burdensome and that the County will, therefore, charge fees to copy and provide public records not to exceed those permitted by RCW 42.56.120.

Customized service charges are charged at the actual cost if the County estimates that the request requires the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the County.

Responses to requests for public records, including responses by email, 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.

All responses to requests for public records shall be maintained for a minimum of one year following completion of the request. The records to be maintained shall consist of all correspondence between the County and the requester, a "clean" copy of all records that were located in response to the request; a "clean" copy of all records that were disseminated (if different); and a copy of the final disclosure, including all redactions (again, if different). Paper copies need not be kept in their original format and may be scanned and stored electronically.

### **3.7 Exemptions**

The Public Records Act and other statutes exempt or prohibit disclosure of certain public records. It is the policy of Grays Harbor County to provide prompt and helpful access to all public records in the County'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 requester in accordance with the requirements of RCW 42.56.210.

Some public records may contain specific content that is 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 requester shall be notified of the redaction in accordance with the requirements of RCW 42.56.210.

The following are summaries of common exemptions relied upon by the County. Note, the County reserves the right to assert any exemptions permitted by law when the County determines non-disclosure serves the public interest and is not limited to the exemptions listed below:

- 3.7.1 Records that are protected by trade secrets law (RCW 19.108);
- 3.7.2 Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by the County within five years of the request for disclosure when disclosure would produce private gain and public loss (RCW 42.56.270 (1));
- 3.7.3 Personal information in files maintained for County employees to the extent that disclosure would violate their right to privacy, including but not limited to addresses, phone numbers, Social Security numbers, driver license numbers, voluntary deductions, marriage status, information about dependents, and any garnishment deductions (RCW 42.56.230(3) & .250(3));
- 3.7.4 Preliminary drafts, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the County in connection with any County action (RCW 42.56.280);
- 3.7.5 All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant (RCW 42.56.250(1));
- 3.7.6 Records in investigative files, including police and code enforcement investigations, to the extent that nondisclosure is essential for effective law enforcement or for the protection of any person's right to privacy (RCW 42.56.240(1)) (note that this exemption does not apply to completed investigations);
- 3.7.7 Identifying information for victims or witnesses of crimes under certain circumstances (RCW 42.56.240(2) & (5));
- 3.7.8 Records created in anticipation of litigation (RCW 42.56.290); or
- 3.7.9 Records reflecting communications between attorneys and County employees where legal advice is sought or received (RCW 5.60.060(2)).

### **3.8 Broad Requests and Installments**

When a request is received that appears to be broad in nature, the Public Records Officer shall request clarification from the requester to ensure that the appropriate records are identified. Clarification shall focus on information needed to identify responsive records. Any information provided about the purpose of the request shall not be used as a basis for denying the request, except as provided for in the Public Records Act.

When appropriate, as part of the clarification process, the Public Record Officer may work with the requester to find ways to narrow the request. When a requester agrees to narrow a request, nothing prevents the requester from later expanding the request back to its original scope.

Large or complex requests may be fulfilled through an installment process as described in this policy and procedure. When installments are provided and are not claimed or inspected, the County may postpone compilation of subsequent installments or treat the request as abandoned and closed.

**ATTACHMENT B**  
**GRAYS HARBOR COUNTY**  
**PUBLIC RECORDS PROCEDURES**

**1. General**

The County is required by Chapter 42.56 RCW (the Public Records Act) to adopt and enforce reasonable rules and regulations to provide full access to public records. These procedures comply with the requirements of the Public Records Act by providing for consistent and predictable practices for responding to and fulfilling requests for public records in a manner consistent with the Act.

This document clarifies the County's goals and intent with respect to providing access to public records. This document describes the process for requesting and fulfilling public records requests in keeping with legal requirements.

These procedures include statutory requirements and best practices. Nothing in these procedures is intended to create legal obligations or rights beyond those obligations and rights created by statute or other binding laws.

**2. Applicability**

These policies and procedures shall apply to all employees of Grays Harbor County, Grays Harbor County's Elected Officials, and all advisory boards and commissions of Grays Harbor County. This policy and procedure does not apply to responses to legal discovery requests governed by State or Federal Rules of Civil Procedure, nor to requests for records made pursuant to the Juvenile Justice Act, GR 31 and GR 31.1.

The Grays Harbor County Sheriff's Office, District and Superior Courts, Court Clerks, and Juvenile Department are responsible for the coordination, tracking, and fulfillment of requests made directly to each aforementioned department. The Public Records Officer will serve as an advisor to the aforementioned departments' Public Record Officers, but will not provide oversight of the fulfillment process except where common requests will result in the expedient production of records, and assistance has been requested from the affected department.

**3. Public Records Officer**

The Public Records Officer shall oversee the County's compliance with the Public Records Act and shall serve as primary point of contact for public records access. The Public Records Officer shall have the following responsibilities:

- Oversee compliance with disclosure laws and advise the BOCC on policy and law changes and updates thereto;
- Serve as primary point of contact for the public for access to public records;
- Serve as a single point of contact to coordinate the County's response to all public record requests;



- Maintain a county-wide log of requests and fulfillment of requests (except Courts, Juvenile Department, and Sheriff's Office, which shall maintain their own);
- Oversee retention of fulfilled requests;
- Serve as a resource to elected officials, department heads, and employees on topics related to disclosure of public records;
- Maintain a list of department Records Liaisons;
- Consult with Records Liaisons and other staff about fulfillment of records requests;
- Approve forms for use in processing records requests;
- Provide training on public records to County employees;
- Disseminate legal updates and policy changes affecting records requests;
- Collect and analyze relevant information related to the County's performance of public records disclosure and respond to any formal reporting requirements; and
- Maintain the Grays Harbor County Public Records webpage.
- Work with Public Records Liaisons to develop, coordinate and maintain comprehensive records administration program.

#### **4. Records Liaisons**

The Records Liaisons shall work in cooperation with the Public Records Officer to ensure the County's compliance with the Public Records Act and shall serve as the primary point of contact between the Public Records Officer and the Department/Office for which they are the appointed/named Public Records Liaison. All Public Records Liaisons shall have the following responsibilities:

- To ensure that all public records requests received by their office/department are forwarded to the Public Records Officer immediately;
- Respond to Public Records Officer within 2 business days with the records or with an estimate of the length of time required to collect responses to each Public Records Request which their Office/Department is responsible for;
- Records Liaisons shall advise office/department record holders within their department of the five business-day response deadline when forwarding records requests and consult with record holders when estimating the fulfillment date;
- Track locations searched, criteria used for search, individuals queried, and amount of time associated with search;
- Evaluates whether any record or part of a record is exempt, redact records, and prepares appropriate redaction and exemption logs.
- Communicate with Public Records Officer in advance of deadlines if it becomes necessary to extend deadlines;
- Communicate with Public Records Officer if clarification of the public records request is needed;
- Provide a "clean" copy of the responsive records and a "marked" copy of the records to the Public Records Officer and maintain a final copy of each until the retention period has expired;
- Assists in the development of new or updated protocols for information collection and documentation to improve records request fulfillment processes and procedures.

- Work with Public Records Officer to develop, coordinate and maintain a comprehensive records retention program.

## **5. Form of Request**

All public records requests must be in writing. It is not required that they be made using the County's approved submittal form. Except as identified in section 13 below, **UNDER NO CIRCUMSTANCES WILL THE COUNTY ACCEPT A VERBAL REQUEST.** Requests must include the following information:

- An indication that the request is being made for access to a public record pursuant to the Public Records Act;
- The date of the request;
- A description of the records requested;

In addition to the required information, the requester must provide a means to communicate in writing. Requesters may remain anonymous, so long as the County has the ability to communicate with them.

## **6. Receipt by Staff**

Records requests may be accepted by any County office or department. Such requests shall be receipt stamped or dated on the face of the request and forwarded immediately to the Public Records Officer. If the staff person does not have the immediate capability to forward the request to the Public Records Officer, the staff member shall inform and provide the supervisor or Records Liaison with the request for immediate transmittal to the Public Records Officer.

Until the Public Records Officer provides confirmation, the request is the responsibility of the Records Liaison. If confirmation is not received within 24 hours of submittal, the Liaison shall re-submit the request electronically and make personal contact with the Public Record Officer.

## **7. Lists of Individuals**

Requests for public records that include lists of individuals will require a signed certification by the requester that such lists shall not be used for commercial purposes. The Public Records Officer may do research to confirm the request is not for commercial purposes, or may direct the appropriate Liaison to do so.

## **8. Personnel and Employment Records**

The Human Resource Manager shall be notified of all public record requests for personnel and employment records.

## **9. Sheriff's Office Records**

The Public Records Officer shall transfer all requests for Sheriff's Office records received by the Public Records Officer or other County departments to the Sheriff's Office and document the transfer. The Public Records Officer will also provide the requester with information confirming the transfer and contact information. The Public Records Officer will log all

transferred requests with notation and date of transfer.

Once transferred, coordination, tracking, and fulfillment of the request becomes the responsibility of the Sheriff's Office and no further oversight or action will be required of the Public Records Officer. The Sheriff's Office shall maintain files and tracking logs for all requests as required by this policy and procedure. Requests that encompass both Sheriff's Office records and records in other offices/departments shall normally be treated as separate requests. However, upon request of the Sheriff's Office, the Public Records Officer may coordinate the response if doing so will result in the expedient production of records.

## **10. Court, Clerk and Juvenile Department Records**

Although not covered under the Public Records Act or under this policy and procedure, any public records request received by Grays Harbor County Superior Court, Grays Harbor County Juvenile Department, Grays Harbor County Clerk or Grays Harbor County District Court for any other County office/department records shall be forwarded to the Public Records Officer immediately upon receipt.

## **11. Five (5) Day Response**

The five-day (5) response period begins on the business day immediately following receipt of the request. Business days do not include weekends or County holidays.

The initial response to the requester shall be made within five (5) business days of receipt of a request, shall acknowledge receipt of the request, and may take one of the following forms:

- 11.1 When possible, the initial response may include the requested records.
- 11.2 If the records requested are available via the County website, a direct link may be provided to the requester to the online documents. Appropriate care shall be taken to ensure this option is not mistaken as a refusal to provide the requested record in paper or other approved format.
- 11.3 An initial response may ask for clarification or refinement of the request if needed to identify the record requested. This response MUST include an anticipated completion date.
- 11.4 An initial response may indicate the County does not have records responsive to the request, in which case, this letter will also serve as the closure letter.
- 11.5 If the initial response does not include copies of the requested records, the County shall provide a reasonable estimate of when the request can be fulfilled. When providing a reasonable estimate of time required to fulfill a public records request, the Public Records Officer 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 42.56.540.
- 11.6 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.

- 11.7 An initial response may be a written denial of the request based on exemptions under Washington State Law.

## **12. Locating Responsive Records**

Each office/department shall make a diligent effort to identify and locate any and all responsive records. This process must be documented and submitted to the Public Record Officer.

The County is not required to create new records in response to a request for public records, but may, when deemed feasible, tailor existing informational databases or indexes to provide a report responsive to a request that otherwise would not be produced in the normal course of business. The determination of the feasibility of creating such reports shall take into account the ability to redact or withhold exempt information. When the production of a tailored report requires additional resources such as customized programming or fact-specific analysis, or would otherwise interfere with other essential functions the County is not required to produce such tailored reports and shall relay this information to the requester.

The County is required only to provide records that exist at the time a request is made. The County shall deny “standing” requests or requests for records that may be created at a future date.

Fulfillment of 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.

## **13. Immediate Provision or Inspection of Records “Over the Counter”**

Staff may respond immediately to a request for records without a written response by the County when all of the following conditions exist:

- The records requested are easily identifiable and readily accessible to staff;
- The requested document is 10 pages or fewer (each department will determine if a fee will be charged for copies fewer than 10 pages)
- The requested records do not contain lists of individuals;
- Staff can easily identify and fulfill the request without referring it to Records Liaisons or the Public Records Officer; and
- The request is not for records subject to withholding or redaction due to disclosure exemptions or confidentiality considerations.

When a request is received in writing and the requested records are provided to the requester in person at the time of the request, a separate written response by staff is not required. In such case, an entry shall be made in the tracking log, in accordance with the Public Records Policy. When responsive documents are provided by email the Public Records Officer should be cc'd on the email for tracking purposes. The appropriate email address is publicrecords@co.grays-harbor.wa.us.

## 14. Internal Review Prior to Public Inspection

### 14.1 Questions of Exemption

County offices and departments are responsible for identifying potentially exempt records or records that contain potentially exempt information. These documents should be provided in redacted and un-redacted format to the Public Records Officer. When doubt arises as to whether records or portions of records subject to a request are exempt from disclosure, the Records Liaison shall consult the Public Records Officer, who may contact the Prosecuting Attorney for further inspection of the subject records before authorizing the disclosure. Records Liaisons will be responsible for redacting exempt information from departmental records.

### 14.2 Inspection of Responsive Records

Requesters may choose to inspect requested records prior to County 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 the appropriate responsive records to requesters. Requesters may make arrangements with the Public Records Officer to inspect records on County premises during normal business hours at a mutually convenient time. The County shall make every effort to accommodate reasonable requests for appointment times while ensuring the security of public records during inspection.

The Records Liaison fulfilling the request shall provide for the security of records during inspection, which shall be supervised by the Public Records Officer or a Records Liaison as deemed appropriate. Requesters shall return all records inspected to the Records Liaison in the condition and order they were provided. Records shall not be altered in any way, rearranged, or removed from folders or removed from County premises during inspection. A requester may flag selected pages for copying but shall not alter the original record.

The County reserves the right to make copies of records for inspection rather than provide the original records for inspection. The requester will not be responsible for copy costs if the requester only inspects records.

### 14.3 Electronic Copies

Records available in electronic form that do not require redaction may be provided to a requester in native format unless the requester specifically asks they be provided in paper or other form. When requested and deemed feasible, electronic records may be converted from one format to another provided such conversion is not unduly burdensome to staff.

### 14.4 Installments

If appropriate, records requests may be fulfilled in partial installments to provide the fullest assistance to requesters. 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 15 calendar days from notification of availability, the County may discontinue compiling subsequent installments of the same disclosure request.** It is not required

to make any further contact when a requester has been previously warned in writing of this consequence.

#### **14.5 Requester Responsibility**

Requesters shall arrange to inspect records or claim copies of requested records within 15 calendar days following notification by the County that responsive records are available for inspection or copying. The 15 calendar days begins on the business day immediately following the County's notice the records are available and includes weekends and County holidays. The Public Records Officer may extend this time period as appropriate to ensure fullest assistance to requesters. Requesters must respond to requests for clarification within 15 calendar days of being contacted or a request will be deemed abandoned and closed.

**If a requester fails to claim or arrange for inspection of requested records after the expiration of the 15 calendar days, the request shall be deemed abandoned and closed.**

The Public Records Officer is not required to confirm with the requester whether the requested records are still wanted.

#### **14.6 Multiple Requests by Same Party**

When the same requester simultaneously submits multiple, separate requests or makes one or more additional requests when previous requests are open, staff may queue the requests in the order in which they were received. The County is not required to work on an additional request until the initial requests are completed and closed. Requesters are responsible for informing the Public Records Officer if they want to reprioritize the fulfillment of their requests.

### **15. Exemption from Disclosure**

#### **15.1 Withholding or Redaction of Records**

Requested records may be subject to exemption from disclosure under the Public Records Act or other statutes. Exempt records shall be withheld or redacted, when necessary, consistent with statutory requirements and the withholding or redaction shall be documented for the requester in accordance with the requirements of RCW 42.56.210 and this policy and procedure.

The presence of exempt content may, but 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.

Prior to withholding exempt records or redacting portions of records, the Records Liaison shall consult with the Public Records Officer and Prosecuting Attorney. Departments may adopt standard procedures for withholding or redacting portions of commonly requested exempt records.

When requested records are redacted, the Records Liaison shall keep an entire, exact copy of the redacted records, along with a "clean copy," for the request file. A listing

only of the redacted records provided to the requester is not sufficient in accordance with the provisions of the official Washington State records retention schedules.

### **15.2 Exemption Log**

When records are withheld or redacted, the requester shall be informed in writing of the reason and be provided the statutory citation supporting the exemption. An exemption log shall be prepared for the requester 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 exemption log. For example, an exemption log need not list separately every occurrence of the redaction of an individual's social security number, but may list one time that the number has been redacted throughout the record.

### **15.3 Request Log and Retention of Requests and Logs**

The Public Records Officer shall maintain a log of all requests and associated documents.

The Public Records Officer shall maintain logs of public records requests received that shall include at a minimum:

- The request tracking number from the Public Records Officer;
- Date of receipt
- Name and convenient contact information for the requester;
- Type of Requester
- A brief description of the requested records;
- Date of 5 day letter
- Type of 5 day letter
- Estimated length of time required for response;
- Due date
- Whether an extension of time was needed;
- Whether clarification was sought;
- Amount of time invested in response;
- Final and Definitive response date
- Actual length of time to respond;

Requests logs 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.

### **Retention**

Public records requests and associated logs are considered a public record subject to disclosure and retention in accordance with the requirements of the Washington State Local Government Common Records Retention Schedule.

## **16. Fees**

For all offices and departments other than Grays Harbor County Sheriff's Office, fees for the provision of responsive records will be charged in accordance with RCW 42.56.120. At the discretion of each department, fees for production of records of ten (10) or fewer

pages may be waived.

Grays Harbor County Superior Court, Grays Harbor County District Court and Grays Harbor Juvenile Department follow the fee schedule set out in GR 31.1.

There is no charge for inspection of records.

The County reserves the right to use an outside vendor for large-scale requests and odd-sized or larger color copies, and to charge the requester for all associated costs.

Copy charges may be remitted by cash, electronic payment (if available) check, or money order. A deposit of up to ten percent of the estimated total cost may be required for large requests before records are copied. When requested records are provided on an installment basis, fees shall be collected for copies prior to provision of the next installment. Failure to pay for an installment shall place compilation of subsequent installments on hold.

Customized service charges are charged at the actual cost if the County estimates that the request requires the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the County.

If payment arrangements are not made within 15 calendar days of notice that records are available, the entire request shall be deemed abandoned and closed.

## **17. 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

## **18. GENERAL DUTY**

It is expressly the purpose of this policy to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this policy. It is the specific intent of this policy that no provision nor any term used in this policy is intended to impose any duty whatsoever upon the County or any of its officers or employees. Nothing contained in this policy is intended nor shall be construed to create or form the basis of any liability on the part of the County, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the County related in any manner to the enforcement of this policy by its officers, employees or agents.