

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.

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 ____ 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.