

Public Disclosure and Access to Public Records

Agency Policy & Procedure #100.003



I. Summary Statement

This policy and procedure outlines the process for requesting public records, how to respond to a public records request, and the roles and responsibilities of all employees.

II. Procedure

RCW 42.56-Public Records Act requires each local agency to make any non-exempt "public record" available for inspection and/or copying in accordance with published rules. This procedure provides information to persons wishing to request access to the Tacoma-Pierce County Health Department's public records and to staff assisting members of the public in obtaining such access.

A. Making a Public Records Request

Any person interested in making a request to inspect or obtain copies of the Department's public records should do so in writing using the Department's standard Public Records Request Form (Exhibit 1), or by letter addressed to the Public Records Officer including the following information:

1. Name of requester
2. Mailing address of the requester
3. Contact information of the requester: Telephone number, fax number, email address
4. Reasonable identification of the records being requested
5. The date of the request
6. Signature of the requester, to include a declaration in writing, under penalty of perjury, that the information in the records being sought will not be used for any commercial purpose, pursuant to RCW 42.56.070(9), unless specifically authorized by law.
7. Desired method for retrieving records:
 - a. Inspect the records on site - inspection of records is free of charge.
 - b. Purchase paper copies of the records.
 - c. Purchase disk with electronic copies of the records - if technically feasible and the records are available electronically
 - d. Receive records via email, if records are available electronically - free of charge to requester.

B. Processing a Public Records Request

1. Prompt Response

The Department will process requests in an order that allows requests to be processed promptly and in the most efficient manner.

2. Acknowledging Receipt of Request

The Department will respond within five business days of receipt of a request, by doing one or more of the following:

- a. Make the records available for inspection or copying; or
- b. If copies are requested, provide the copies to the requester after payment for the copies, or if copies are being released in installments, after payment of a deposit; or

- c. Acknowledge in writing receipt of the request and provide a reasonable estimate of the time when the records will be available for inspection or copying. Additional time needed to respond to a request may be based upon (1) the need to clarify the intent of the request, (2) to locate and assemble the information requested, (3) to notify third persons or agencies affected by the request, or (4) to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. The Department may revise the estimate of when records will be available; or
- d. Request clarification if the request is not clear to sufficiently identify the requested record(s). Clarification will be requested and confirmed in writing. The Department may revise the estimate of when records will be available based on the clarification from the requester. If the requester fails to clarify the request, the Department need not respond to the request. The Department will not interpret or translate a request for information into a public records request; or
- e. Deny the request in part, or in whole. If a request is denied, a written explanation must be included in the response setting out the specific exemption authorizing the withholding of the records (or part).

3. Consequences of Failure to Respond

If the Department does not respond within five business days of receipt of the request for disclosure, the requester should consider contacting the Public Records Officer to determine the reason for the failure to respond.

4. Protecting Right of Others

In the event that requested records contain information that may affect rights of others, and may be exempt from disclosure, the Department may, prior to providing the records, give notice to those whose rights may be affected by the disclosure. Such notice should be given to make it possible for those other persons to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

5. Completion of Search for Requested Records

When the search for requested records is complete and the non-exempt records are available, the Department will notify the requester in writing that a diligent search for the requested records has been completed and the non-exempt records are available for inspection and/or copying; or inform requester that no responsive records were located.

6. Inspection of Public Records

If a requester seeks an opportunity to inspect public records, and once the records are available for inspection, the following provisions apply:

- a. Consistent with other demands, the Department may promptly provide a space to inspect the non-exempt records. No member of the public may remove a document from the viewing area or alter any document. The requester shall indicate which document he or she wished the Department to copy. There is no fee for inspecting records, but there will be a fee if copies are requested.
- b. The Department will notify the requester in writing of this requirement and inform the requester that he or she should contact the Public Records Officer and make arrangements to claim and/or review the records. If the requester or representative of the requester fails to claim or review the records within 30 days of the Department's written notification or make other arrangements, the Department may close the request and re-file the assembled records.

- c. After inspection is complete, the Department shall make the requested copies or arrange for copying. The Department will inform the requester of the time necessary to provide the requested copies.
- d. When the request is for a large number of records, the Department may provide access for inspection or copying in installments if the Public Records Officer determines that would be practical to provide the records in that way. The Public Records Officer may ask the requester to prioritize the request so that he or she may receive the most important records first. If, within 30 days, the requester fails to inspect or retrieve copies of the records made available, the Department may stop searching for the remaining records and close the request.

7. Records Exempt or Prohibited from Disclosure

- a. The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. If the Department believes that a record is exempt or prohibited from disclosure and should be withheld, the Department will provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Department will redact (black out) the exempt portions, and provide written explanation why portions are being redacted. Failure to list an exemption shall not affect the efficacy of any exemption.
- b. A list of exemptions is on file with the Department's Public Records Officer and is available for viewing, or release at no charge to the requester. The list is subject to change as state and federal law change.

8. Cost of Providing Copies of Public Records

The Tacoma-Pierce County Health Department has adopted the fees set forth in RCW 42.56.070. There is no fee for inspecting public records, however, the Department does charge the following fees for copying and sending records to the requestor.

- a. Copying is charged at fifteen cents (\$.15) per page, for paper copies, and ten cents (\$.10) per page, for scanned copies.
- b. Envelopes and/or packaging are charged at the actual costs of those supplies.
- c. Postage is charged at the actual postage costs of such postage.
- d. Digital Storage media/devices are charged at the actual cost of materials (such as a CD, DVD, flash drive, etc.)
- e. Uploading/attaching electronic files to digital storage media/device(s), a cloud-based data storage service, or emails is charged at five cents (\$.05) per each four files.
- f. Transmission of public records in an electronic format is charged at ten cents per gigabyte.
- g. In the event a request is estimated to exceed \$25, the City may require the requester to deposit an amount not to exceed 10% of the estimated cost prior to the duplication of record(s).
- h. If the combined amount due for the requested records is less than \$15.00, the Department may use all fees.
- i. Payment may be made by cash, credit, check, or money order payable to the Tacoma-Pierce County Health Department.

C. Agency Contact Information

1. Public Records Officer

Kathie Wise is designated as the Public Records Officer will serve as the point of contact for disclosure of public records and oversee the Department's compliance with the Act.

2. Hours for Inspection of Records

Public records will be available for inspection and copying during the business hours of Monday through Friday, 8:30 am through 4:00 pm, excluding legal holidays and official building closures. Records must be viewed at the offices of the Department. A requester will not be allowed to take original records from the Department.

3. Records Index

The Department finds that maintaining a records index, as defined in the Act, is unduly burdensome and would interfere with Department operations because of the volume and diversity of documents produced by the Department. The Department has numerous individual indexes created by individual employees. The diversity in computer program applications utilized on each personal computer and the organization of documents created by those applications into a single index would unduly burden the Department.

4. Organization of Records

The Department will maintain its records in a reasonably organized manner and will take reasonable actions to protect public records from damage or disorganization.

5. Closing Withdrawn or Abandoned Requests

If the requester either withdraws the request or fails to fulfill his or her obligation to inspect the records or pay the deposit or final payment for the requested copies, the Department will close the request and notify the requester that the Department has closed the request.

6. Later Discovered Responsive Documents

If, after the Department has informed the requester that it has provided all available records, the Department becomes aware of additional responsive documents existing at the time of the request, the Department will promptly inform the requester of the additional documents and arrange for records inspection or copying on an expedited basis.

7. No Duty to Create Records

The Department is not obligated to create records that do not exist in order to satisfy a request for records.

8. No Duty to Produce Back-Up Copies

As part of the Information Technology Disaster Recovery plans the Department performs regular back-up of data. These back-ups are copies of electronic documents and are in inactive form. To prevent interference with essential functions of the Department, there is no obligation to respond to a public records request by searching backup tapes or other similar media for identifiable records. Backups are for disaster recovery only.

9. Destruction of Records

If a public records request is made at a time when the records exists but the records are scheduled for destruction in the near future, the Department must not destroy the records until the disclosure request is resolved.

10. Review of Denial of Records

Any person who objects to the initial denial or partial denial of a records request may petition in writing to the Public Records Officer for a review of that decision. The petition shall include a copy of, or reasonably identify, the written statements by the public records officer denying the request.

The Public Records Officer shall promptly provide the petition and any other relevant information to the Department's Legal Counsel for review. Legal counsel will advise the Department on the matter and respond to the petition within two business days of the Department's receipt of the petition.

Any person may obtain court review of denials of public records requests pursuant to RCW 42.17.340/42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

D. Roles and Responsibilities

Public Records Officer (PRO)

The Public Records Officer is responsible for overseeing the process and compliance with the Public Records Act and this policy. The PRO will establish response protocols for the Department, assisting requesters with the review process, act as a cross divisional coordinator with large and complex requests, assist with internal instructions and trainings for Records Coordinators, act as backup in the absence of divisional Records Coordinators, and developing and maintaining a Public Records Log in compliance with HB 1595 and the JLARC requirements.

Director of Health (or Designee) is responsible for appointing a Public Records Officer for the Department responsible for reviewing and coordinating public records requests.

Director of Health (or Designee), Division Director/Program Managers, and the Public Records Officer are responsible for work together to establish a back-up protocols for managing public records responses in the absence of the Public Records Officer and/or Public Records Coordinators.

Division Director/Program Manager are responsible for appointing a Public Records Coordinator for each division and/or program area, to assist the Public Records Officer in coordinating and processing quality and timely responses to public records requests.

Public Records Coordinators will assist the PRO by receiving and/or processing Public Records Requests, gathering and reviewing responsive documents, identifying records exempt from disclosure, submitting exemptions logs to the PRO for review, ensuring public records within assigned division are protected from damage or disorganization, alerting the PRO if a request is unusually difficult or large in scope, and updating the Department's Public Records Request tracking log.

Records Custodians, Employees, Volunteers, and Contract Employees

Employees are responsible for complying with the provisions of the policy, immediately forwarding public records requests to the Public Records Officer or Coordinators and researching and gathering records in response to a public records request within specified time periods and forwarding documents to the designated Public Records Coordinators.

III. Definitions

Public Records—Defined as "a writing, containing information relating to the conduct of government" or the performance of any governmental or proprietary function, "prepared, owned, used, or retained" by an agency.

Writing—Any "handwriting, typewriting, printing, shopping, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated."

Business Days—Monday – Friday, exclude state and Department recognized holidays and business closures.

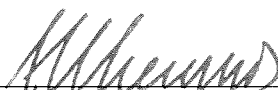
Identifiable Public Records—A record that contains a reasonable description enabling the Department to locate the requested records."

Exempt—a law that allows or required the withholding of a document (or a portion of a document) from disclosure.

IV. Supporting Information

Policy Owner Public Records Officer	Keywords – searchable Records management, public records, email, text messages, electronic records, paper records, destruction
Procedures for this policy Records Management 100.006, procedures A-H	Related Policies Records Management Policy 100.006
Relevant Laws and Other Resources RCW 40.14 Preservation and Destruction of Public Records WAC 434-662 Preservation of Electronic Public Records RCW 42.56 Public Records Act Local Government Common Records Retention Schedule (CORE) Heath Department and Districts Records Retention Schedule	Revision History October 10, 2011 May 8, 2018

Approved



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