

PUBLIC RECORD POLICY

ORIGINAL APPROVAL DATE: August 15, 2016

BOARD APPROVAL: August 15, 2016

EFFECTIVE: August 15, 2016

PURPOSE:

Olympic View Water & Sewer District wants to ensure that requests for public records, in compliance with RCE 42.56.010, are available for public inspection and copying pursuant to these rules, except as otherwise provided by RCE 42-56-210 through 42-56-480 and other applicable Washington law.

The purpose of the Act is to provide the public full access to information concerning the conduct of government, while balancing individuals' privacy rights and the desirability of the efficient administration of government. In carrying out its responsibilities under the Act, the District will be guided by the provisions of the Act describing its purposes and interpretation.

The purpose of this policy is to establish the procedures that the District will follow to provide full access to public records. The policy provides information to persons wishing to request access to public records of the District and establish processes for both requestors and District staff that are designed to assist members of the public in obtaining such access.

Public Records Officer:

The District Manager is designated as the District's public records officer ("Public Records Officer"), serving as the point of contact for members of the public in requesting disclosure of public records. Unless provided otherwise, the District General Manager shall supervise, monitor, coordinate and accomplish the retention, protection and disclosure of the District's public records consistent with the rules and Chapter 42.56 RCW, and may delegate duties and responsibilities to any District staff person. Any person desiring to inspect District public records, or seeking assistance in making such a request, should contact the Public Records Officer at:

Olympic View Water and Sewer District
Attention: Public Records Officer
8128 228th St SW
Edmonds, WA 98026
Phone: 425-774-7769
Fax: 425-670-1856

Email: frontdesk@ovwater.com

Hours for Records Inspection and Copying:

Public records shall be available for inspection and copying at the District's Administration Office, located at 8128 228th St SW, Edmonds, WA 98026, during the hours of 8:30 am and 4:00 pm District, Monday through Friday, excluding legal holidays.

Requests for Public Records:

In accordance with the requirements of Chapter 42.56 RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained by members of the public, upon compliance with the following procedures:

A. A request shall be made in writing upon a form prescribed by the District and available at the District office or on the District website (www.olympicviewwater.com). The form shall be presented in person at the District office during customary office hours, by first class mail sent to the main office or emailed to frontdesk@ovwater.com. The request shall include the following information:

1. The name of the person requesting the records;
2. The date on which the request was made;
3. The nature of the request; and
4. An appropriate description of the public records requested, including title, subject matter, date and other means of enabling the District to identify the requested records and make them available.

B. A requestor need not state the purpose of the request. However, in an effort to clarify or prioritize a request and provide responsive documents, the Public Records Officer may inquire about the nature or scope of the request. If the request is for a list of individuals, the Public Records Officer may ask the requestor if they intend to use the records for commercial purpose. The District is prohibited by statute from disclosing lists of individuals for commercial purposes. See RCW 42.56.070(9).

C. The District shall assist a requestor to identify appropriately the public records requested, but if the records cannot be identified, the District shall so advise such requestor, and in the case of formal request, shall return the formal request for resubmission by the requestor with additional description of the requested public records.

D. If the request is unclear or does not sufficiently identify the requested records, the District may ask the requestor to clarify information the requestor is seeking. Such clarification may be requested and provided by telephone. The Public Records Officer may revise the estimate of when records will be available. If the requestor fails to clarify the request, the District need not respond to it.

E. Within five (5) business days of receiving a public records request, the Public Records Officer will do one or more of the following:

1. Provide the public records for inspection or copying;
2. Provide an internet address and link on the District's website to the specific records requested;
3. Acknowledging that the District has received the request and providing a reasonable estimate of the time the District will require to respond to the request; or
4. Deny the request.

F. Public records that are requested may not be readily available for immediate inspection. If the requested public records are not readily available, the District shall notify the requester as to when and where such records will be available. The District shall provide the public records on a partial or installment basis as they are assembled or are available for inspection or disclosure.

G. If the District does not respond in writing within five (5) business days of receipt of the request for disclosure, the requestor should contact the Public Records Officer to determine the reason for the failure to respond.

H. If the requested records contain information that may affect the rights of others and may be exempt from disclosure, the Public Records Officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him/her to revise the request, or if necessary, seek and order from the court to prevent or limit the disclosure. The notice to the affected person shall include a copy of the request.

If employee information is requested, information is limited to Employee's name, salary, and position, date of hire and date of termination. All other employee information concerning an employee must be waived by them if it is to be released.

I. Some records are exempt from disclosure, in whole or in part. If the District believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the

remainder is not exempt, the Public Records Officer will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted.

J. When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer shall indicate that the District has completed a diligent search for the requested records and made any non-exempt records available for inspection.

K. When the requestor either withdraws the request or fails to fulfill the requestor obligations to inspect the records or pay the deposit or final payment for the requested copies, the Public Records Officer shall close the request and indicate to the requestor that the District has closed the request.

L. If, after the District has informed the requestor that it has provided all available records, the District becomes aware of additional public records existing at the time of the request that are responsive to the request, it shall promptly inform the requestor of the additional public records and make them available for inspection on an expedited basis.

M. The District, and its officials and employees are not liable for loss or damage based on release of public records if the District official or employee acted in good faith in attempting to comply with the Act.

N. The District is not obligated to create a new record to satisfy a records request; however, the District may, in its discretion, create such a new record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request.

O. The District is not obligated to hold current records requests open to respond to requests that may be created in the future. If a public record is created or comes into the possession of the District after a request is received by the District, it is not responsive to the request and will not be provided. A new request must be made to obtain later-created public records.

P. The process for requesting electronic public records is the same as for requesting paper public records. When a requestor requests records in an electronic format, the Public Records Officer shall provide the non-exempt records that are reasonably locatable in an electronic format that is used by the District and is generally commercially available, or in a format that is reasonably translatable from the format in which the District keeps the record.

Copying of Public Records:

No fee shall be charged for the inspection of public records. The District shall charge a fee, as adopted on the miscellaneous fees schedule, for providing copies of public records and for use of the District's copy equipment. A fee, in accordance with the adopted miscellaneous fee

schedule, shall be charged for the conversion of paper copy to electronic. These charges are the amount necessary to reimburse the District for its actual costs incident to such copying, providing 8.5x11 black and white copies of records and scanning into electronic format. The District may charge the requestor higher costs associated with providing larger sized copies and color copies. In response to a request for copies of public records, the District may require a deposit in the amount of twenty five percent (25%) of the estimated cost of providing the copies. If the District makes public records available on a partial or installment basis, the District may charge for each part of the partial disclosure or installment. If an installment of a records request is not claimed or reviewed, the District need not fulfill the balance of the request.

If the District has to pay an off-site vendor for copying public records in non-standard formats, including but not limited to photographs, blueprints, as-built drawings or tape recordings, the requestor shall pay the actual costs of such duplication. If the Public Records Officer determines it is reasonable to send a request to an off-site vendor for copying, the District may: (1) arrange for the requestor to pay the vendor directly for copies made; or (2) charge the requestor the actual amount charged by the off-site vendor to the District for copies made.

Records Exempt from Public Inspection:

A. The District reserves the right to determine that a public record requested in accordance with the procedure outlined in Section 4 is exempt from public inspection and copying under the provisions of RCW 42.56.210 through 42.56.480 and other applicable Washington law.

B. In addition, pursuant to RCW 42.56.070, the District reserves the right to delete identifying details when it makes available or publishes any public records, in any case when there is a reason to believe that disclosure of such details would be an invasion of personal privacy protected by Chapter 42.56 RCW. The District will fully justify such deletion in writing.

C. All denials of requests of public records shall be accompanied by a written statement specifying the reason for the denial, stating the specific exemption for withholding the public records and explaining the applicability of the exemption to the public records withheld.

Review of Denials of Public Records Request:

Any person who objects to the denial or partial denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review of that decision to the Public Records Officer. The petition shall include a copy of or reasonably identify the written statement of the Public Records Officer denying the request. The Public Records Officer shall promptly provide the petition and any other relevant information to the District attorney. The District attorney shall promptly consider the petition and provide the requestor a written determination of whether the record is exempt. Nothing in this section

shall be deemed to establish an attorney-client relationship between the District attorney and the requestor. The requestor may obtain court review of denials of public records requests pursuant to RCW 42.56.550 after the initial denial, regardless of any internal administrative appeal.

Records Index:

The District has available, to all persons, a current index which provides identifying information for resolutions adopted by the Board of Commissioners. The District has not indexed all of the public records described in RCW 42.56.070(3), because to do so would be unduly burdensome and would not necessarily assist members of the public in locating requested information.

The current index of resolutions, prepared by the District, shall be available to all persons under the same rules and conditions as are applied to public records available for inspection.

Record Request Form:

The District adopts, for use by all persons requesting inspection and/or copies of records, the form entitled “**Request for Public Records**”, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference.

Protection of Public Records:

To adequately protect the public records of the District, any person inspecting public records shall adhere to the following guidelines;

- A. No public records shall be removed from the District’s possession.
- B. Inspection of public records shall be conducted in the presence of a designated District representative.
- C. No public records may be marked or defaced in any manner during inspection.
- D. Public records, which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then ONLY by a District representative.
- E. Access to file cabinets, shelves, vaults and other District storage areas is restricted to District representatives unless other arrangements are made by the District.
- F. The District may limit inspection and copying to any extent necessary to prevent unreasonable disruptive activity to District operations.