

<b>Policy Area:</b> Communications	<b>Guideline Number:</b> 3-002-13
<b>Title of Policy:</b> Public Records	<b>CAMTS:</b> 00.00.00
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PURPOSE

RCW 42.17 requires that government units adopt rules and procedures relating to maintenance and availability of public records. The District maintains various types of records relating to its operation and, therefore, comes within the requirements of this statute. There are certain records which are not able to be disclosed due to their nature of being Private Medical Records, Protected Health Information, and certain exemptions as provided in RCWs that need not be public for the protection of the district, especially those pertaining to quality improvement and selling of property.

POLICY

Based on the above facts, the District adopts the following procedures relating to public records.

ACCESS TO PUBLIC RECORDS

- 1) **Public Record:** Public records of the District include any writing containing information relating to the conduct or performance of any governmental function prepared, owned, used or retained by the District except records and information exempt from public inspection and copying under RCW 42.17.310.
- 2) **Public Records Availability:** All public records of the District as defined above are available for public inspection and copying pursuant to these rules, except as otherwise provided by Chapter 42.17 RCW.
- 3) **Location of Records:** The District's public building 1079 Spring St. in the custody of the Superintendent of the District who shall be responsible for the implementation of these rules.
- 4) **Hours for Inspection and Copying:** Public Records shall be available for inspection and copying during the normal office hours of the District which are from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Thursday, excluding legal holidays, by appointment.

Requests for Public Records: In accordance with the provisions of Chapter 42.17 RCW public records may be inspected and copied, or copies obtained by members of the public by filing a request as follows:

1. Requests shall be made in writing to the District records officer and shall include the following information:
  - The name and address of the person requesting the record.
  - The time of day and calendar date on which the request is made.
  - The nature of the request.
  - If the matter requested is referenced in a current index maintained by the District, a reference to the requested record as it is described in such index.
  - If the requested matter is not identifiable by reference to an index, an appropriate description of the record requested.
2. In all cases in which a member of the public is making a request, it shall be the obligation of the employee to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

#### FEES and CHARGES

- 1) No fee shall be charged for the inspection of public records.
- 2) The District shall charge a fee of 30 cents per page for providing copies of public records. This charge is the amount necessary to reimburse the District for the actual cost of such copying. In the event the District is requested to mail requested copies, an additional charge in the amount of the actual or estimated postage shall be made. A charge of \$20.00 per hour of computer time shall be charged for use of a District computer by the public or by employees assigned with a records task. Billing shall be in increments of 1 hour.

#### Exemption from Public Inspection

- 1) The District reserves the right to determine that a record requested is exempt in whole or in part from public inspection under RCW 42.17.310.
- 2) In accordance with RCW 42.17.260, the District reserves the right to delete identifying details when it makes available any public record in any case where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by Chapter 42.17 RCW. The employee who deletes such information shall fully justify such deletion in writing to the Board of Commissioners if requested by the Board.

- 3) All denials of requests for public records shall be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record.
- 4) The following RCWs may apply for denial, redaction, or revision of the requested documents:
  - RCW 19.108.010(4)(b) PATENT, COPYRIGHT, TRADE SECRET, OR PROPRIETARY INFORMATION Under RCW 42.56.070, RCW 19.108.010(4)(b) (the Uniform Trade Secrets Act), federal law, and Progressive Animal Welfare Soc’y v. Univ. of Wash., 125 Wn.2d 243, 255 (1994), patent, copyright, trade secret, and other proprietary information is exempt from copying and inspection. In accordance with the foregoing laws, the Public Records Office has redacted patent, copyright, or proprietary information.
  - RCW 42.56.360(1)(c) QUALITY IMPROVEMENT The following health care information is exempt from disclosure under this chapter: (c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.
  - RCW 42.56.070(1) OTHER STATUTE Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of \*subsection (6) of this section, this chapter, or other statute which exempts or prohibits disclosure of specific information or records.

#### Review of Denials

- 1) Any person who objects to the denial of a request to inspect or copy a public record may petition for a prompt review of such decision by submitting a written request for review.
- 2) Upon receipt of a written request for review of a decision denying inspection or copying of a public record, the employee to whom the request has been submitted shall refer it to the Superintendent who shall immediately consider the matter and either affirm or reverse the denial. The final decision shall be rendered to the individual who requested the record within two business days after the denial of the request or as permitted by law if the time needed is greater.
- 3) Administrative remedies shall not be considered exhausted until the District has returned the request with the decision or until a period of two business days has elapsed since the denial of the request.

#### RESPONSIBILITY OF RECORDS OFFICER

The records officer of the District shall be the District Superintendent.

The Superintendent may delegate responsibility for making selected records available for inspection and copying.

These selected records shall be:

1. Roster of personnel (name and station only).
2. Approved Budgets
3. Financial Reports, except those as part of the QA/QI process.
4. Voucher approval records
5. Minutes of the Board of Commissioners meetings and attachments allowed by law.
6. Resolutions Adopted by the Board
7. Incident Reports limited to the following information:
  - a. The fact that an alarm/request was received.
  - b. The time of the call
  - c. The time of arrival of personnel and equipment.
  - d. General location of incident
  - e. Description of equipment dispatched
  - f. The number of personnel dispatched.
  - g. Manner in which call was received.

#### Procedure Checklist

In the event the District is requested by any person to inspect or copy a District record, the following procedure should be followed:

- 1) A response to the request must be made back to the person requesting the records within five business days.
- 2) The request must be in writing on a form prescribed by the District.
- 3) The request must be submitted at the District or other principal place of business of the District during normal working hours including by email.
- 4) The District records officer should review the request form and the record that is actually requested.
- 5) The records officer should determine if the record may be inspected or copied in its entirety and if so, the inspection or copying should be permitted. In the event only a portion of the record may be disclosed, a copy of the record showing only the disposable portion should be prepared, disclosed and copied if copying is requested.
- 6) If the records officer determines that all or any part of the requested record is exempt from

inspection and copying the statutory exemption which covers the particular record should be identified. See RCW 42.17.310.

- 7) The requesting party must be advised in writing of what record or portion of a record will not be made public and must be provided in writing with the reason for the refusal to release the information. The written denial of the request must refer to the specific statutory exemption that the District is relying on. See RCW 42.17.310.
- 8) If redaction or legal notification of parties involved in the records is needed, the District may take the additional time allotted by law to produce those records.

If the requesting party still demands to inspect or copy the record or portion of the record which has been deemed not to be disposable, the records officer should immediately take the following steps:

- 1) Refer the request and the denial to the District review authority, which is the Board of Commissioners Board Executive Linkage Representatives.
- 2) Consider asking for a legal opinion from the MRSC or District attorney.
- 3) The District's final decision denying the request in whole or in part is considered to be complete at the end of the second business day following the denial. The requesting party should be notified of the District's decision at such time.