

EAST COUNTY FIRE & RESCUE
Policies, Procedures, and Guidelines

SUBJECT: Public Records

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APPROVED BY:

Michael A. [Signature]
Board Chair

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REVIEWED: _____ BY:

REFERENCES: RCW 42.56, WAC 44-14

POLICY:

East County Fire & Rescue (ECFR) is committed to providing the public access to public records in accordance with the Washington State Public Records Act (PRA), RCW Chapter 42.56. The purpose of the PRA is to provide the public with access to records concerning the conduct of government, mindful of individual privacy rights and the desirability of the efficient administration of government.

This PRA Disclosure policy establishes the procedures that ECFR will follow to provide for the reasonable assistance to requesters in a timely manner, while protecting public records from damage and preventing "excessive interference with other essential agency functions."

Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on ECFR personnel. ECFR reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time.

DEFINITIONS:

1. **"Public Record"** includes 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 ECFR regardless of physical form or characteristics.
2. **"Writing"** means handwriting, typewriting, printing, photostating, 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.

RESPONSIBILITY:

Public Records Officer: ECFR's Board of Commissioners shall appoint a Public Records Officer. Other staff members may also process public records requests, as needs require. The name and contact information of the Public Records Officer shall be published on ECFR's website.

PROCEDURE:

Public Records Requests - Requests for public records should be made either by mail, email or fax. Information is best requested using ECFR's Request for Public Records Form.

Completed forms can be delivered to East County Fire and Rescue, Attn: Public Records Officer, 600 NE 267th Avenue, Camas, WA 98607.

For mailed, emailed or fax requests, persons are encouraged to complete the published Request for Public Records Form and send it to the street address, email address or fax number published on the ECFR website.

A variety of records are available on ECFR's website at www.ECFR.us. Requesters may view available records prior to submitting a records request.

Instructions for making a public records request will be published on the ECFR website.

Response to Requests - Within five (5) business days of receiving a request, ECFR will do one or more of the following:

- A. Provide the record requested, either for inspection or copying.
- B. Acknowledge that the request has been received and provide a reasonable time estimate needed to fulfill the request, along with the process for charging of fees.
- C. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requester. Such a request can be made by email or phone. The Public Records Officer may revise the estimate of when the records will be available.
- D. Deny the request.

If the requester fails to clarify an unclear request within 30 calendar days, ECFR will treat the request as having been withdrawn.

Denials of requests shall be accompanied by a written statement documenting the specific reasons for denial.

Providing Records in Installments - When the request is for a large number of records, ECFR may provide copies, or access for inspection, in partial installments, if reasonably determined that it would be practical to provide the records in that way. If the requester fails to inspect or pick-up the entire set of records, or one or more of the installments within 30 calendar days, the Public Records Officer may stop searching for the remaining records and close the request.

No Duty to Create Records - This policy does not require ECFR to answer written questions, create new public records, or provide information in a format that is different from original public records; however, ECFR may, at its discretion, create such a new record to fulfill the request where it may be easier for ECFR to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request.

No Duty to Supplement Responses - ECFR is only obligated to fulfill public records in existence at the time of the request. A new request must be made to obtain later-created public records. If, however, later-discovered records are found (within 30 days of the public request), the requester will be notified.

Fees - The charge for photocopies is fifteen cents per page. Fees may be charged for electronic records, pursuant to RCW 42.56.120. When public records are mailed to a requester, a charge for the cost of postage and the envelope or container used may be added. No fee is charged for inspection of a public record or for locating a record. Payment of fees is required prior to release of records. Acceptable forms of payment are cash, check or money order. The District has no ability to process debit or credit cards.

Deposit - ECFR may require a deposit of up to ten percent (10%) of the estimated cost of copying records prior to copying any records for a requester. ECFR may also require payment of the remainder of the cost before providing all of the records; or the payment of the costs of copying an installment before providing that installment.

Availability of Public Records - Public records shall be made available for inspection and copying at ECFR's headquarters station during normal business hours: Monday through Thursday, 8:00 a.m. to 4:00 p.m., excluding legal holidays. ECFR personnel and the requester must make mutually agreeable arrangements for time(s) of inspection

Preservation of Public Records - No member of the public may remove a public record from a viewing area, or disassemble, or alter any public record.

Organization of Public Records: ECFR finds that maintaining an index as provided in RCW 42.56.070(3) for use by the public would be unduly burdensome and would interfere with agency operations given the high volume, various locations, and types of public records received, generated and otherwise acquired by ECFR. Notwithstanding the foregoing, ECFR will maintain its records, including Resolutions, Board Minutes, and amendments or revisions to such documents in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization.

Closing Abandoned Requests: If the requester withdraws the request, fails to fulfill their obligations to inspect the records within 30 calendar days of notice that the records are available for inspection, or fails to pay the deposit or final payment for the requested copies, ECFR personnel will close the request. Personnel will document closure of the request and the conditions that led to closure.

Records and Information Exempt from Public Disclosure: ECFR is not required to permit public inspection and copying of records for which public disclosure of the record is prohibited, restricted or limited by state or federal statute or regulation. ECFR is prohibited by statute from disclosing lists of individuals for commercial purposes.

The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. RCW 42.56.230 through 42.56.480 and WAC 44-14 identify records that are specifically exempt or prohibited from disclosure.

Other statutes outside the Public Records Act may prohibit and exempt disclosure of certain documents or information.

ECFR's failure to list an exemption shall not affect the efficacy of the exemption.

Denial of Request Due to Exemption - All denials of requests for public records will be accompanied by a written statement specifying the reason(s) 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 withheld.

Retention of Records - ECFR is not required to retain all records it creates or uses. However, ECFR will comply with RCW Chapter 40.14, Preservation and Destruction of Public Records, in the retention and destruction of public records. The State Attorney General's Local Records Committee approves a general retention schedule for local agency records that is common to most agencies.

The retention schedule for local agencies is available at www.secstate.wa.gov/archives.

Retention schedules for documents vary based on the content of the record.

Disclaimer of Liability - Neither ECFR nor any officer, employee, official, or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as "shall", nothing in this policy is intended to impose mandatory duties on ECFR beyond those imposed by state and federal law.

Attachments:

ECFR Request for Public Records form

MRSC Appendix C Exemption and Prohibition Statutes Not Listed in Chapter 42.56

REQUEST FOR PUBLIC RECORDS

NAME OF REQUESTER: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ DATE OF REQUEST: _____ TIME: _____

NATURE OF REQUEST:

1. Identification of records: _____

2. Inspection only: _____

3. Number of copies requested: _____

Signature _____

For Office Use Only: Date: _____ Time: _____

1. Request Granted: _____ Record Withheld: _____ Record Withheld In Part: _____

2. If consent is needed, name of individual: _____

3. If withheld, identify the exemption contained in RCW 42.17.310, or other applicable statute that authorizes the withholding of the record or part of record:

4. If withheld, explain how the exemption applies to the record withheld: _____

Signature: _____

Appendix C: Exemption and Prohibition Statutes Not Listed in Chapter 42.56 RCW

RCW 42.56.070(2) requires an agency to:

publish and maintain a current list containing every law, other than those listed in the PRA, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption.

The following list provides exemptions and prohibition statutes not listed in the PRA. Some of the exemptions and prohibitions on the list concern public record information that may not be relevant for your jurisdiction. For instance, cities would not normally have records regarding marriage license applications or adoption records.

MRSC will periodically update this list; the date of the last update is reflected in the footer. If you become aware of additions or corrections that should be made to the list, please notify one of the staff attorneys at MRSC.

The Attorney General's Sunshine Committee webpage also provides a list of public disclosure exemptions created annually by the Code Reviser's Office.

Washington State Statutes

<u>RCW 2.64.111</u>	Judicial conduct commission investigations of judges and initial proceedings
<u>RCW 4.24.550</u>	Information on sex offenders
<u>RCW 4.24.601</u> and <u>.611</u>	Trade secrets and confidential research, development or commercial information re products or business methods
<u>RCW 5.60.060</u>	Privileged communications
<u>RCW 5.60.070</u> ; <u>RCW 7.07.070</u>	Mediation records
<u>RCW 7.68.140</u>	Victims' compensation claims
<u>RCW 7.69A.030(4)</u>	Name, address and photograph of child victim or child witness
<u>RCW 7.69A.050</u>	Child victims and witnesses of certain crimes – protection of address
<u>RCW 7.75.050</u>	Records of Dispute Resolution Centers
<u>RCW 9.02.100</u>	Reproductive privacy
<u>RCW 9.41.097(2)</u>	Mental health information re persons buying pistols or applying for CPLs
<u>RCW 9.41.129</u>	Concealed pistol license applications

<u>RCW 9.73.230</u>	Name of confidential informants in written report on wire tapping
<u>RCW 9.51.050</u>	Disclosing transaction of grand jury
<u>RCW 9.51.060</u>	Disclosure of grand jury deposition
<u>RCW 9.73.090(1)(c)</u>	Prohibition on disclosure of law enforcement dash cam videos until final disposition of litigation
<u>RCW 9A.44.138</u>	Offender registration information given to high school or institution of higher education re an employee or student
<u>RCW 9A.82.170</u>	Financial institution records re criminal profiteering act
<u>RCW 10.27.090</u>	Grand jury testimony/evidence
<u>RCW 10.27.160</u>	Grand jury reports - release to public only by judicial order
<u>RCW 10.52.100</u>	Records identifying child victims of sexual assault
<u>RCW 10.77.205</u>	Information re victims, next of kin, or witnesses requesting notice of release of person found not guilty of a sex, violent, or felony harassment offense by reason of criminal insanity and the notice itself
<u>RCW 10.52.100</u>	Records identifying child victim of sexual assault
<u>RCW 10.77.210</u>	Records of persons committed for criminal insanity
<u>RCW 10.97.040</u>	Criminal history information released must include disposition, with some exceptions
<u>RCW 10.97.050</u>	Conviction and criminal history information
<u>RCW 10.97.060</u>	Deletion of certain criminal history record information, conditions
<u>RCW 10.97.070</u>	Disclosure of identity of suspect to victim
<u>RCW 10.97.080</u>	Inspection of criminal record by subject
<u>RCW 10.97.130</u>	Information about victims of sexual assault under age eighteen
<u>RCW 10.101.020(3)</u>	Information given by an accused regarding determination for indigent defense
<u>RCW 13.34.115</u>	Court dependency proceedings
<u>RCW 13.40.217</u>	Juveniles adjudicated of sex offenses - release of information
<u>RCW 13.50.010</u>	Maintenance of and access to juvenile records
<u>RCW 13.50.050</u>	Juvenile offender records
<u>RCW 13.50.100</u>	Juvenile/children records not relating to offenses
<u>RCW 13.60.020</u>	Missing children or endangered person information
<u>RCW 18.04.405</u>	Confidentiality of information gained by CPA
<u>RCW 18.19.060</u>	Notification to clients by counselors
<u>RCW 18.19.180</u>	Confidential communications with counselors
<u>RCW 19.215.020</u>	Destruction of personal health and financial information
<u>RCW 19.34.240(3)</u>	Private digital signature keys

<u>RCW 19.215.030</u>	Compliance with federal rules
<u>RCW 26.04.175</u>	Name and address of domestic violence victim in marriage records
<u>RCW 26.12.170</u>	Reports of child abuse/neglect with courts
<u>RCW 26.23.050</u>	Child support orders
<u>RCW 26.23.120</u>	Child support records
<u>RCW 26.26.041</u>	Uniform Parentage Act – protection of participants
<u>RCW 26.26.450</u>	Confidentiality of genetic testing
<u>RCW 26.33.330</u>	Sealed court adoption records
<u>RCW 26.33.340</u>	Agency adoption records
<u>RCW 26.33.343</u>	Access to adoption records by confidential intermediary
<u>RCW 26.33.380</u>	Adoption – identity of birth parents confidential
<u>RCW 26.44.010</u>	Privacy of reports on child abuse and neglect
<u>RCW 26.44.031</u>	Information related to reports of child abuse or neglect
<u>RCW 26.44.125</u>	Reports, reviews and hearings related to a review of abuse finding
<u>RCW 27.53.070</u>	Records identifying the location of archaeological sites
<u>RCW 29A.08.720</u>	Voter registration records – place of registration and any decision not to register to vote confidential
<u>RCW 29A.08.710</u>	Voter registration records – certain information exempt
<u>RCW 35.102.145</u>	Municipal business and occupation tax – local ordinance can protect return or tax information
<u>RCW 36.28A.060(8)</u>	Tactical and intelligence information provided to WASPC
<u>RCW 39.10.470(2)</u>	Alternative public works – trade secrets or other proprietary information submitted by bidder in connection with an alternative public works transaction if data identified and reasons stated in writing
<u>RCW 39.10.470(3)</u>	Alternative public works – proposals submitted by design-build finalists until notification of highest scoring finalist is made
<u>RCW 42.23.070(4)</u>	Municipal officer disclosure of confidential information prohibited
<u>RCW 42.41.030(7)</u>	Identity of local government whistleblower
<u>RCW 42.41.045</u>	Non-disclosure of protected information (whistleblower)
<u>RCW 43.43.762</u>	Contents of statewide criminal street gang database
<u>RCW 46.52.065</u>	State toxicologist records relating to analyses of blood samples
<u>RCW 46.52.080</u>	Traffic accident reports – confidentiality
<u>RCW 46.52.083</u>	Traffic accident reports – available to interested parties
<u>RCW 46.52.120</u>	Traffic crimes and infractions – confidential use by police and courts
<u>RCW 46.52.130(2)</u>	Abstract of driving record – limited disclosure

<u>RCW 48.62.101</u>	Local government insurance/risk management liability reserve funds established to settle claims
<u>RCW 50.13.060</u>	Access to employment security records by local government agencies
<u>RCW 50.13.100</u>	Disclosure of confidential employment security records allowed if identifying information deleted or with consent
<u>RCW 51.28.070</u>	Worker's compensation records confidential – limited disclosure
<u>RCW 51.36.060</u>	Physician information on injured workers
<u>RCW 60.70.040</u>	No duty to disclose record of common law lien
<u>RCW 68.50.105</u>	Autopsy reports – confidential – limited disclosure
<u>RCW 68.50.320</u>	Dental identification records – available to law enforcement agencies
<u>Ch. 70.02 RCW</u>	Medical records – access and disclosure – entire chapter (information from HC providers)
<u>RCW 70.05.170</u>	Child mortality reviews by local health departments
<u>RCW 70.24.022</u>	Public health agency information regarding sexually transmitted disease investigations - confidential
<u>RCW 70.24.024</u>	Transcripts and records of hearings regarding sexually transmitted diseases
<u>RCW 70.28.020</u>	Local health department TB records – confidential
<u>RCW 70.41.200</u>	Hospital quality improvement committee records and accreditation reports
<u>RCW 70.48.100</u>	Jail records and booking photos
<u>RCW 70.58.055</u>	Birth certificates – certain information confidential
<u>RCW 70.58.104</u>	Vital records, research confidentiality safeguards
<u>RCW 70.94.205</u>	Washington Clean Air Act – confidentiality of data.
<u>RCW 70.96A.150</u>	Registration and other records of alcohol and drug abuse treatment programs
<u>RCW 70.123.075</u>	Client records of domestic violence programs
<u>RCW 70.125.065</u>	Records of community sexual assault program and underserved populations provider in discovery
<u>RCW 71.05.425</u>	Notice of release or transfer of committed person after offense dismissal
<u>RCW 71.05.445</u>	Release of mental health information to Dept. of Corrections
<u>RCW 71.05.620</u>	Access to court records related to mental health cases under chapter 71.05 RCW
<u>RCW 71.24.035(5)(g)</u>	Mental health information system – state, county and regional support networks – confidentiality of client records
<u>RCW 71.34.335</u>	Mental health treatment of minors – records confidential
<u>RCW 71A.14.070</u>	Records regarding developmental disability – confidentiality

<u>RCW 72.09.345</u>	Notice to public about sex offenders – department of corrections access to information
<u>RCW 72.09.585</u>	Disclosure of inmate records to local agencies – confidentiality
<u>RCW 73.04.030</u>	Veterans discharge papers exemption (see related RCW 42.56.440)
<u>RCW 74.04.060</u>	Applicants and recipients of public assistance
<u>RCW 74.04.520</u>	Food stamp program confidentiality
<u>RCW 74.13.075(5)</u>	Juvenile's status as a sexually aggressive youth and related info
<u>RCW 74.13.280</u>	Children in out-of-home placements – confidentiality
<u>RCW 74.20.280</u>	Child support enforcement – local agency cooperation, information
<u>RCW 74.34.095</u>	Abuse of vulnerable adults – confidentiality of investigations and reports
<u>RCW 82.32.330</u>	Disclosure of tax information
<u>RCW 84.36.389</u>	Confidential income data in property tax records held by assessor
<u>RCW 84.40.020</u>	Confidential income data supplied to assessor regarding real property

Selected Federal Confidentiality Statutes and Rules

18 USC § 2721 - 2725	Driver and license plate information
20 USC § 1232g	Family Education Rights and Privacy Act
23 USC § 409	Evidence of certain accident reports
42 USC 290dd-2	Confidentiality of substance abuse records
42 USC § 405(c)(2)(C)(viii) (I)	Limits on use and disclosure of social security numbers.
42 USC 654(26)	State plans for child support
42 USC 671(a)(8)	State plans for foster care and adoption assistance
42 USC 1396a(7)	State plans for medical assistance
7 CFR 272.1(c)	Food stamp applicants and recipients
34 CFR 361.38	State vocational rehabilitation services programs
42 CFR Part 2 (2.1 - 2.67)	Confidentiality of alcohol and drug abuse patient records
42 CFR 431.300 - 307	Safeguarding information on applicants and recipients of medical assistance
42 CFR 483.420	Client protections for intermediate care facilities for the mentally retarded

42 CFR 5106a	Grants to states for child abuse and neglect prevention and treatment programs
45 CFR 160-164	HIPAA privacy rule
46 CFR 40.321	USCG regulations regarding confidentiality

