

City of Bellingham Policy

Title:	PUBLIC DISCLOSURE GUIDELINES
Code:	ADM 07.04.01
Chapter:	Administration
Level of Policy:	Administrative
Date Issued:	April 1, 1976
Developed by:	Joan Hoisington, Asst. City Attorney and Adelle Ringus, Support Services Manager
Date Revised:	February 14, 2011
Revised by:	James Erb, Asst. City Attorney and Public Records Officer
Approved by:	Dan Pike, Mayor

See also: Records Center Usage, ADM 07.03.02

Purpose

The City of Bellingham recognizes the importance of open government and will continue to provide access to public records as required by RCW 42.56 while carefully exercising the discretion to deny requests, in whole or in part, based on specific laws in order to protect the rights of individuals to privacy and to promote the efficient administration of government.

Scope

This policy applies to all City employees.

Procedure:

1. All employees shall accept records requests made in person, over the telephone, by mail, FAX, or e-mail. Requestors should complete an online [Public Records Request form](#) if practicable; however, employees may complete the form for a requestor, particularly if the request is made over the telephone or when the requestor needs assistance to complete the form. Records may be provided without the form if the records can be provided immediately and there is no need to track the request.

The description of the records requested should be as precise as possible.

If the record is unknown, obscure, or the employee is not certain of the appropriate response, the Public Records Officer (or designee) may communicate with the requestor to clarify the request. Communication for clarification purposes should be memorialized in written form and maintained with the request.

Requestors are not required to explain the purpose of the request except to establish that inspection and copying would not violate specific prohibitions, i.e. lists of individuals to be used for commercial purposes.

2. All employees who receive public records requests are encouraged to provide prompt assistance to the requestor. A department head may allow the staff within his/her department to release requested records if the requested records have been routinely distributed in previous instances.

If an employee is unsure how to respond to a request, the employee shall contact the Public Records Officer in order to coordinate a response. This is appropriate when a request involves records from more than one department and/or involves records that may be exempt from disclosure.

3. The City's response shall be documented in Section 3 of the "Request for Public Records" form.

No requestor shall be denied access to public records for any reason without the express written approval of the Public Records Officer.

4. The employee who notifies the requestor shall complete Section 4 of the "Request for Public Records" form. The original form will be returned to the requestor when the request is complete and a copy of the form shall be forwarded to the Public Records Officer.
5. The City shall respond to each request within five (5) business days after the request was received. The response may:
 - a) Allow full access to the requested record(s).
 - b) Deny access. If so, the following process shall be used:
 - 1) Any denial must be in writing;
 - 2) The writing must identify the type of record being withheld, the date it was created, the author of the record, the recipient(s) of the record, and the number of pages withheld;
 - 3) Any denial must cite the statutory basis for the denial; and
 - 4) Any denial must give a brief explanation of how the exemption applies to the requested record(s).
 - c) Allow access with exempt information deleted or redacted. Deleted or redacted portions of disclosed records must be identified in an exemption log including the information listed in 5(b) (1)-(4) above.
 - d) Give a reasonable estimate of the time required to complete the response. Additional time may be needed to respond based upon the need to:
 - 1) Clarify the request;
 - 2) Locate and assemble the records requested;
 - 3) Notify third-parties or agencies affected by the request; or
 - 4) Determine whether any of the information is exempt and whether a denial should be made as to all, or part, of the request. No denial shall be made without the input of the Public Records Officer (or designee).
6. If a request is made for a particular record that is scheduled for destruction in the near future, the record shall be retained until the request is resolved.

Public Disclosure Prohibition:

RCW 42.56.070(9) prohibits public agencies from giving, selling, or providing access to "lists of individuals requested for commercial purposes" unless specifically directed by law. Any employee who believes a public records request violates this prohibition shall discuss that concern with the Public Records Officer before providing a response to the requestor.

Public Disclosure Exemptions:

In addition to the prohibition in RCW 42.56.070(9), there are numerous state and federal laws that exempt certain information from being disclosed. As stated above, the City shall inform the requestor if a specific exemption applies to any record sought and provide a brief explanation of how the exemption applies to that particular record.

Meet and Confer:

The City encourages any requestor who believes records have been wrongfully withheld, in whole or in part, to meet and confer with the Public Records Officer prior to filing a lawsuit to seek disclosure. The City would then have 5 business days to amend its response before the requestor can file a lawsuit. This procedure would allow the City an opportunity to facilitate a quick resolution to any disputes while avoiding the expense and delay

associated with litigation. This recommendation does not restrict a requestor's right to bring a lawsuit to enforce RCW 42.56.

Copy Charges and Deposits:

Pursuant to the Public Records Act, no fee shall be charged for locating public records and making them available for inspection and copying.

There is no fee to inspect public records. The City Records Officer shall coordinate a time and place for the inspection. All inspections shall be completed during normal business hours.

The City may assess a copy charge for copies of public records as authorized by RCW 42.56. Please see the City's copy fee schedule for the current rates for copies.

Charges for copies other than photocopies will be the actual cost of reproduction.

A copy fee may include postage or delivery charges and the cost of any container or envelope used to send the public records to the requestor.

The City may waive this charge for small requests or for individuals or governmental agencies when it is in the best interests of the City.

For some requests, the City may require a deposit before the records are provided.

Deposits and copy charges are payable in the Finance Department. An invoice will be provided to the requestor when the records are available. The records will be released once the Public Records Officer (or designee) receives confirmation of payment.

Electronic records:

The City will provide copies in electronic form when requested. Requestors should be reminded that costs for copying electronic records may be more expensive than the costs for paper copies (i.e. recordings of 911 calls).

Installments:

The City may, at its discretion, complete voluminous record requests by providing the records in installments. The City will notify the requestor that the request will be completed in installments within 5 business days after the request was received. The notification will include a reasonable estimate of the amount of time it will take to produce the first installment. Once the first installment is prepared, the City shall notify the requestor that it is available. The requestor will have 30 days to make arrangements to inspect or copy the records.

30 day rule:

The City Records Officer shall notify the requestor when a request is complete and records are available. The requestor has 30 days to make arrangements to inspect or copy the records. At the conclusion of the 30-day period, the request will be closed and the records returned to their original location.

References/Sources

RCW 42.46, Public Records Act
Chapter 44-14, Washington Administrative Code
Local Government Common Records Retention Schedule