

**POLICY: 04.054**

Date Issued: 5/8/2002

Date Revised: 03/08/2017

Date Reviewed: 03/08/2017

CALEA Standard: 2.3.3-c, 6.7.1

**SUBJECT: PUBLIC RECORDS ACT****A. Policy**

CRESA provides full access to information concerning the conduct of government, being mindful of both individuals' privacy rights and the desirability of the efficient administration of government. CRESA has established procedures that are designed to assist members of the public in obtaining such access. This directive will be interpreted in favor of disclosure.

**B. Procedures****1. Authority and Purpose (CALEA 2.3.3.c & 6.7.1)**

The Revised Code of Washington (RCW) 42.56, "Public Records Act" (the act) requires each agency to make available for inspection and reproduction non-exempt "public records" in accordance with governmental guidelines.

- a) "Public record" means 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 the agency.
- b) CRESA has an assigned Public Records Officer who oversees compliance with the act, but another CRESA staff member may assist in processing requests.
- c) In accordance with the act, the public records officer or designee and CRESA will do the following:
  - i. Provide the "fullest assistance" to requestors.
  - ii. Create and maintain an index to CRESA's public records (see Attachment A).
  - iii. Ensure that public records are protected from damage or disorganization.

**3. Making a Request for Public Records (CALEA 2.3.3.c & 6.7.1)**

- a) A variety of records are available on the CRESA's web site at CRESA911.org. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

- b) Any person wishing to inspect or obtain copies of public records **maintained by** CRESA should submit a request **using** the CRESA online records request system on the CRESA website, [cresa911.org](http://cresa911.org). Requestors may also complete a paper form at CRESA or **send a** letter, fax, or e-mail addressed to the CRESA public records officer. When making a request for records, the requestor should expect to provide the following information:
  - i. Name of requestor or contact point
  - ii. Address of the requestor **(not mandatory)**
  - iii. Contact information, including telephone number and any e-mail address **(not mandatory)**. **Note - Information needs to be sufficient to be able to provide or let the requesting party know when and how to access the public records requested. (e.g., the requesting party may state they will call back to see if the responsive records are available).**
  - iv. Identification of the public records adequate for the public records officer or designee to locate the records
  - v. The date and time of day of the request
- c) The public records officer or designee may accept requests for public records by telephone or in person. If the public records officer or designee accepts such a request, **they** will confirm receipt of the information and the substance of the request in writing.

5. Processing of Public Records Requests **(CALEA 2.3.3.c & 6.7.1)**

- a) *Providing "Fullest Assistance."* The public records officer or designee will process requests in the order **that allows** the most requests to be processed in the most efficient manner while preventing excessive interference with other essential functions of CRESA.
- b) *Acknowledging Receipt of Request.* Within five business days of receipt of the request, the public records officer shall do one or more of the following:
  - i. Make the records available for inspection or copying.
  - ii. **Provide copies of the responsive records to the requestor.**
  - iii. Provide a reasonable estimate of **record availability**.
  - iv. Deny the request, **providing the reason for the denial**
- c) *Seeking Clarification.* If the request is unclear or does not sufficiently identify the requested records, the **public records officer or designee** will seek clarification from the requestor. Additional time required to respond to a request may be based on the need to clarify the intent of the request. If the requestor fails to clarify the request, the public records officer need

not respond to it and may inform the requestor that their request has been closed due to insufficient information.

- d) *Records Exempt from Disclosure.* (CALEA 2.3.3.c & 6.7.1) Some records are exempt from disclosure, in whole or in part. If CRESA believes that a record is exempt from disclosure and should be withheld, the public records officer will do the following:
  - i. State the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld citing the related Public Records Act section, RCW or other statute.
  - ii. 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 nonexempt portions, and indicate to the requestor why portions of the record are being redacted.
- e) *Inspection of Records.* CRESA shall provide space to inspect public records upon request.
  - i. If a requestor wishes to inspect original records at CRESA's facility rather than receive copies of records, the requestor may contact the public records officer to make arrangements to inspect records.
- f) *Providing Copies of Records.* In most cases, the public records officer will respond to requests for public records by providing the requestor with electronic copies of the responsive records via the online records request system. Whenever possible, copies of records will be provided in their native, electronic format. If paper copies are requested, fees may apply (see Costs of Providing Copies)
- g) *Providing Records in Installments.* When the request is for a large number of records, the public records officer or designee may provide responsive records in installments, if they reasonably determine that it would be practical to provide the records in that way.
  - i. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and shall provide written notice to the requestor that the request is considered abandoned and closed for failure to pick up or inspect within the 30 day timeframe required.
- h) *Closing Withdrawn or Abandoned Request.* When the requestor either withdraws the request or if, within thirty days, the requestor fails to claim or review the records or make other arrangements, the public records officer or designee shall provide written notice to the requestor that the request is considered abandoned and closed for failure to pick up or inspect within the 30 day timeframe required.

- i) *Later-discovered documents.* If, after CRESA has informed the requestor that it has provided all available records, CRESA becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

6. Costs of Providing Copies of Public Records

- a) There is no fee for inspecting public records.
- b) There is no fee for electronic copies of public records provided through CRESA's online records request system
- c) A requestor may obtain standard black and white paper copies for \$0.15 cents per page.
- d) A requestor may obtain electronic copies provided on a USB drive, CD or other electronic media for the actual cost of the portable storage item
- e) CRESA will not charge sales tax for copies of public records.
- f) Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor.
- g) The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.
- h) CRESA may also charge actual costs of mailing, including the cost of the shipping container.
- i) *If CRESA obtains services by an outside vendor to fulfill a public records requests, those costs can be charged to the requestor if notice of such charge is provided to the requestor prior to obtaining such services.*
- j) Payment may be made by exact cash, check, or money order to Clark Regional Emergency Services Agency.

7. Review of Denials of Public Records *(CALEA 2.3.3.c & 6.7.1)*

- a) *Petition for Internal Administrative Review of Denial of Access.* Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.
- b) *Consideration of Petition for Review.* The public records officer shall promptly provide the petition and any other relevant information to the CRESA's Director. The Director will do the following:

- i. Immediately consider the petition and either affirm or reverse the denial within two business days following CRESA's receipt of the petition.
  - ii. Within such other time as CRESA and the requestor mutually agree to.
- c) *Judicial Review*. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.540 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

8. Training

The Public Records Act is complicated and compliance requires training. CRESA shall provide on-going training to the following employees.

- a) All managers, supervisors and the public records officer of CRESA shall receive public records training through Washington Secretary of State, State Archives Division or the Washington Cities Insurance Authority.
- b) The Agency public records officer shall receive on-going training. Applicable information learned will be shared with other Agency staff members.
- c) All CRESA employees shall receive basic training on public records compliance and record retention.

# ATTACHMENT A

## CRESA'S PUBLIC RECORDS INDEX

1. CRESA Administration
  - a) Administrative Board Meeting Agendas
  - b) Administrative Board Meeting Minutes
  - c) Director's Monthly Report
  - d) Agency Monthly Claims
  - e) Agency Monthly Budget Reports
  - f) Agency Resolutions and accompanying Staff Reports
  - g) Agency Written Directives and Procedures
  - h) Agency Annual Budget
  - i) Agency Annual Report
  - j) Agency Five-Year Strategic Plan
  - k) CALEA Accreditation Files
  - l) Staff and Consultant Reports
  - m) Agency Salary Schedule
  - n) Annual Financial Statement
  - o) Annual Audit Report
  - p) Agency Insurance Policies
2. 9-1-1 Operations
  - a) Monthly Call Summary
  - b) Monthly Citizen Satisfaction Survey
  - c) CAD System Event Records
  - d) Radio System Communications (Audio copy)
  - e) 9-1-1 Telephone Calls (Audio copy)
3. Emergency Management
  - a) Situation Reports
  - b) News Releases
  - c) Emergency Proclamations (Coordinated with County and Cities)
  - d) Incident Logs
  - e) Damage Report
  - f) Various Emergency Information Management System Reports
  - g) Search and Rescue Forms
  - h) Comprehensive Emergency Management Plans
  - i) Hazardous Materials Emergency Response Plan
  - j) Emergency Plans for Tier II Regulated Facilities
  - k) SARA Title III (Tier II – Sect. 312) Reports of Hazardous Materials Storage
  - l) Risk Management Plans

- m) Material Data Sheets
- n) Inventory Forms
- o) Toxic Chemical Release Forms

#### 4. Homeland Security

- a) Region IV Council Meeting Agendas
- b) Region IV Council Meeting Minutes
- c) Region IV Council Staff Reports
- d) Region IV Budget Reports
- e) Region IV Vendor Contracts