



PUBLIC RECORDS ACT ADMINISTRATIVE RULES

The purpose of these rules is to define the procedures the City of Camas (City) will follow in order to fulfill public records requests (PRR) received under the Public Records Act (Act), RCW 42.56. The Act requires public agencies to make identifiable, non-exempt public records available for inspection and copying upon request, and to publish rules of procedure that inform the public how access to public records will be accomplished.

The City's public records, both hardcopy and electronic, are subject to disclosure and production under the Act. There are specific deadlines for responding to PRR requests and for producing responsive records established by the Act. The City is subject to daily penalties and the payment of attorney fees and costs for failing to comply with the requirements of the Act. The City's goal is to ensure compliance with the requirements of the Act while minimizing the impact of these requests on the delivery of other services to the citizens of Camas.

The purpose of the Act is to provide the public full and timely access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of efficient administration of our City government. The City favors disclosure when interpreting the Act and these rules. In carrying out its responsibilities under the Act, the provisions of the Act will guide the City by describing its purposes and interpretation.

The City Clerk amends the Rules as necessary to remain in compliance with evolving law governing the handling of PRRs and to update the Rules as facts may require.

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Section 1. Definitions/Explanations

- a. **Email.** Email is an electronic system that uses computers for sending and receiving messages. Classification of emails as public records is dependent on the content of the message. Email messages created or received in the transaction of public business are public records.
- b. **Employee.** Any person who works for the City, as a paid employee. Employees are responsible for maintaining their files and records to comply with the Act and applicable records retention schedules. For PRRs, employees must:
 - Search for records within their area of responsibility, for records responsive to PRRs, upon request of the their department or the Clerk’s Office;
 - Respond to requests to search for records in a timely manner, in accordance with timelines established by the Clerk’s Office; and
 - Track the staff time expended in searching for and responding to requests for public records.
 - An “Adequate Search Affidavit” form may be required from the Employee (Exhibit A)
- c. **Exempt Record.** All identifiable City records are available for review by the public unless state or federal law, either directly in RCW 42.56 or in other statutes, prohibit them from disclosure. For more information related to Public Record Exemptions, please see Municipal Research Service Center’s (MRSC) publication “Public Records Act for Washington Cities, Counties and Special Purpose Districts” on the City’s website through the City Clerk’s Records Portal and under Public Record Requests.
- d. **Public Record.** A public record is a writing, regardless of physical form, containing information relating to the conduct of government or the performance of any governmental or proprietary function, prepared, owned, used or retained by the City. Even if the City does not possess a particular document, a document may be “used” by the City if it was considered in any decision making process.
- e. **Public Records Request (PRR).** Requests submitted by persons or entities for

identifiable records. Specific information may be exempt from production under the Act. As a result, the response process includes a review to identify and redact exempt information.

- f. **Identifiable Record.** An identifiable record is one that is in existence at the time of the request and that City staff can locate after a reasonable search. (According to RCW 42.56.080 and 2016 c163 s3, a request for all, or substantially all, records is not a valid request. A request must be for records regarding a particular topic or contain a particular keyword or name. In addition, the City may deny a bot request that is one of multiple requests from the requestor within a 24-hour period, as responding to such requests would cause inference with other essential functions of the City.)
- g. **Writing.** A writing is any: handwriting, typewriting, printing, photostating, photographing, and any other means of recording any form of communication. Including, but not limited to, letters, words, pictures, sounds or symbols or their combinations; 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 data compilations from which information may be obtained or translated. An email is a writing.

Section 2. City Clerk

Any person wishing to request access to public records or seeking assistance in making a request should contact the City Clerk's Office. For expediency, if the request is for Police, Fire, Ambulance or Municipal Court records, contact those departments directly. The City Clerk/Deputy City Clerk will coordinate compliance with the Act, but may designate other City staff members who may process requests for public records. The City Clerk/Deputy City Clerk will assist requestors and help avoid having responses to PRRs cause excessive interference with the essential functions of the City. When using these Rules, references to the City Clerk include his or her designees.

Section 3. Availability of Public Records

- a. **Hours for inspection.** Public records are available for inspection and copying during the hours: Monday through Friday, 9:00a.m. to 5:00p.m., excluding legal holidays. City staff and the requestor may make mutually agreeable arrangements for times of inspection and copying. However, the City will have the right to set the hours for inspection.
- b. **Place of inspection.** Records made available for inspection as determined by the City Clerk. A requestor may not remove City records from City offices without the permission of the Clerk's Office.
- c. **Electronic access to records.** A variety of records is available on the City's website at

www.cityofcamas.us. To the extent practical, the City will store, maintain and make its commonly requested records available electronically on its website. For those seeking responsive records in electronic format, the City may provide access to public records by providing links to the website containing an electronic copy of the record, provide records on disc or transmit the responsive record via email. The City Clerk/Deputy City Clerk will work with the requestor to determine the most appropriate method for providing electronic copies of responsive records. Due to email and disc size-limitation, records responses that exceed 100 pages or 20 mega-bytes are saved to the City's public portal website or on a disc due to email limitations. The disc is subject to a fee per the City's fee schedule. For large request installments, the City charges the fee per disc. (See Section 10 for details regarding costs associated with electronically produced responsive records.)

- d. **Organization of records.** Each City department maintains the records that relate to the specific function or responsibility that department. City departments will maintain records in a reasonably organized manner, and the City will take reasonable actions to protect records from damage and disorganization.
- e. **Managing the queue.** While adhering to WAC 44-14-04003(1), which states that records are not to be processed strictly in the order received because this might not be providing the "most timely possible action" for all requests, a queue is maintained. It provides a list of all the pending and active Category 2, 3 and 4 requests (See Section 8) and the Clerk's office manages in order to be timely in providing records. The Clerk's Office is primarily responsible for managing the records requests queue based on the following criteria: (1) the number of records responsive to a given request; (2) the number and size of other records requests in the queue; (3) the amount of processing required for the subject request or requests and other requests in the queue.

Section 4. Making a Request for Public Records

Public records requests are public records and are subject to inspection or copying.

Any person wishing to inspect or copy identifiable public records of the City should make the request in one of the following ways:

- On the provided request form or through the PublicStuff portal (both available online at www.cityofcamas.us);
- From the CamasConnect mobile app;
- Utilizing the contact information on the next page:
 - By email, letter or phone call to the Clerk's Office or a staff person; or
 - In person at any City building

The following information should be included in the request:

- Name and address of requestor;
- Contact information, including telephone number and email address;
- Sufficient identification of the requested records to reasonably enable staff or the City Clerk to locate the records; and
- Helpful details such as relevant date of, or location of actions/incidents, etc.
- The date and time of day of the request.

Staff may accept requests for public records that contain the above information by telephone or in person. If a citizen submits a verbal request, the City Clerk will generally confirm receipt of the information and the substance of the request in writing, as well as the necessary contact information from the requestor so that the City can respond. The Clerk deems the confirmation as a correct statement of the scope of the request unless the requestor responds with a different statement of the scope.

a. **Where to Make a Request.**

- Requests to inspect or copy **City records** can be made to the:
 - City Clerk's Office
 - 616 NE 4th AVE
 - Camas, WA 98607
 - administration@cityofcamas.us
 - (360) 817-1591
- Requests to inspect or copy **Police records** can be made to the:
 - Camas Police Department
 - 2100 NE 3rd AVE
 - Camas, WA 98607
 - police@cityofcamas.us
 - (360) 834-4151
- Requests to inspect or copy **Municipal Court records** can be made to the:
 - Camas-Washougal Municipal Court
 - 89 C ST
 - Washougal, WA 98671
 - lindsay.loveland@clark.wa.gov
 - (360) 397-2125
- Requests to inspect or copy **Fire Marshal records** can be made to the:
 - Fire Marshal's Office
 - 605 NE 3rd AVE
 - Camas, WA 98607
 - fmo@cityofcamas.us
 - (360) 834-6191

- Requests to inspect or copy **Ambulance records** can be made to the:
 Camas-Washougal Fire Department
 4321 NW Parker ST
 Camas, WA 98607
fire@cityofcamas.us
 (360) 834-2262

- b. **Internet access to records.** Many records are also available on the City's website: www.cityofcamas.us. Requestors are encouraged to search for and view the documents available on the website prior to submitting a public records request.

- c. **Form of request.** There is no required form for a public records request. A requestor must provide the City with reasonable notice that the request is for public records. If a request is contained in a larger document unrelated to a public records request, the requestor should point out the public records request by labeling the front page of the document as containing a public records request or otherwise calling the request to the attention of the City Clerk/Deputy City Clerk to facilitate timely response to the request.

- d. **Prioritization of records.** Staff may ask a requestor to prioritize the records he or she is requesting so that they may provide the most important records first. A requestor need not prioritize a request.

- e. **Copies.** If the requestor wishes to have copies or scans of the records made instead of simply inspecting them, he or she should so indicate and arrange to make a deposit or pay for the copies or scans, as further discussed in Section 10. Costs for copies and scans are set out on the fee schedule as established by resolution of the City Council and is available through a link on the City's website, or by contacting the City Clerk's office.

- f. **Purpose of request.** A requestor need not state the purpose of the request. However, in an effort to clarify or prioritize a request and provide responsive records, the City Clerk's office may inquire about the nature or scope of the request. If the request is for a list of individuals, the City Clerk may ask the requestor if he or she intends to use the records for a commercial purpose via a Disclosure Form. RCW 42.17.260(9) does not authorize the City to provide lists of individuals for commercial purposes. If the responsive records contain a list of individuals, per WAC 44-14-06002(6), the requestor will be provided a disclosure form to sign certifying that the information will not be used for commercial purposes; the form further requires that the requestor state the intended purpose for obtaining the responsive records. The City Clerk may also seek sufficient information to determine if another statute may prohibit disclosure.

- g. **Overbroad requests.** The City may not deny a request for identifiable public records (as defined in Section 1.f.) solely because the request is overbroad. However, the City

may seek clarification, ask the requestor to prioritize the request so that they may provide the most important records first and/or communicate with the requestor to limit the size and complexity of the request. The City may also provide the responsive records in installments over time. When a request uses an inexact phrase such as "all records relating to" and declines to clarify the scope of the request, the City Clerk may interpret the request to be for records that directly and fairly pertain to the topic. When the requestor has located the records, he or she is seeking, the requestor should advise the City Clerk that they have the requested records and to cancel the remainder of the request.

- h. **Existing records.** Records requests may only encompass existing records. They cannot request records not in existence or in the possession of the City.

Section 5. Processing Public Records Requests (See also attached summary)

- a. **Providing "fullest assistance."** Mindful of the requirements of RCW 42.56 .100, to the extent reasonably possible, the City Clerk's office will process requests in the order allowing the most requests to be processed in the most efficient manner. The Clerk's Office will provide all assistance necessary to help requestors locate particular responsive records, as long as providing that assistance does not disrupt the daily operations of City Hall or other duties of any assisting employee(s) in other City departments. The City will dedicate a reasonable amount of time responding to public records requests. The Clerk will base this assistance on the amount of other core responsibilities outlined in their job descriptions.
- b. **Acknowledging receipt and fulfilling requests.** Within five business days of receipt of the request, not including the day the request was received as provided by RCW 1.12.040, the City Clerk's office will do one or more of the following:
 - 1. Make the record available for inspection or copying;
 - 2. If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
 - 3. Acknowledge that the request has been received and provide a reasonable estimate of when records will be disclosed in whole or in part depending on whether the records are being provided in installments;
 - 4. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone; or

5. Deny the request, specifying the reasons for denial.

The City may respond to a request to provide access to a record by providing the requestor with a link to the City's web site containing an electronic copy of that record if it can be determined that the requestor has internet access and the requestor agrees that the request has been satisfied.

- c. **Additional time.** The Clerk's Office may need additional time to provide access to records or to clarify the scope of the request, locate and assemble the records, redact exempt information, prepare an exemption log, notify third party persons or agencies affected by the request or consult with the City Attorney about whether the records are exempt from disclosure. Should an extension of time be necessary to fulfill the request, the City Clerk will provide a revised estimate and explain the changed circumstances that make it necessary.
- d. **Notification that records are available.** If the requestor has sought to inspect the records, the City Clerk will notify him or her that the entire response or an installment is available for inspection and ask the requestor to contact the City to arrange a mutually agreeable time for inspection. If the requestor seeks copies or scans, the City Clerk will inform the requestor of projected costs and if a deposit is required before making the copies or scans.
- e. **Consequences of failure to respond.** If the City does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the City Clerk's office to determine the reason for failure to respond.
- f. **Consequences of failure to clarify a request.** Per WAC 44-14-04004(5), if the requestor does not respond to the City's request for clarification within 30 days of the City's request, the City Clerk may consider the request abandoned, send a letter closing the response to the requestor and re-file the records.
- g. **Searching for records.** The City will conduct a reasonable search for responsive records. The City Clerk will help determine where responsive records are likely to be located and involve staff in other departments, as needed, to assemble the records. After the records are located, the City Clerk should take reasonable steps to narrow down the number of records assembled to those that are responsive. The City will not "bury" a requestor with non-responsive documents. However, statute allows the City Clerk to provide arguably, but not clearly, responsive records to allow the requestor to select the ones they want, particularly if the Clerk asks the requestor to help narrow the scope of the documents requested and they do not.
- h. **Preserving requested records.** Per WAC 44-14-04004(8), if a requested record is scheduled shortly for destruction under the City's records retention schedule, the

record cannot be destroyed until the public disclosure request has been resolved. For example, if a request may take several weeks, months or more to process, any records that were scheduled to be archived, destroyed, etc. sometime within that time according to the "Secretary of State's Local Government Common Records Retention Schedule" (CORE), it will be frozen from following that schedule. Once staff complete a request, the City can disposition the record in accordance with the CORE.

1. **Records exempt from disclosure.** Some records are exempt, in whole or in part from disclosure (see Section 7). If the City withholds a record believed exempt, the City Clerk will state the specific exemption in a log and provide a brief explanation of why staff withheld the record or a portion of the record.
- J. **Redactions.** If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the City Clerk will redact the exempt portions, provide the nonexempt portions and indicate to the requestor the reasons for the redaction. For example, the City Clerk will redact identifying details such as social security numbers when he or she makes available or publishes any public record. In each case, staff will explain the justification for the redaction in writing.
- k. **Protecting the rights of others.** If the requested records contain information that may affect rights of others and may be exempt from disclosure, prior to providing the records the City Clerk may give notice to those affected by the disclosure. Generally, they give two weeks' notice in order to make it possible to contact the requestor and ask him or her to revise the request or, if necessary, allow affected individuals to seek an order from a court to prevent or limit the disclosure. The notice to the affected person(s) will include a copy of the request.
- l. **Inspection of records.** To the extent possible, and pursuant to other demands, the City Clerk will promptly provide space to inspect public records. The requestor must claim or review the assembled records within thirty days of the City Clerk's notification that the records are available for inspection or copying. The City Clerk will notify the requestor in writing of this requirement and suggest that he or she contact the agency to arrange to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period, or make other arrangements, the City Clerk may close the request and re-file the assembled records. If the same person makes a request, for the same or almost identical records, processed as a new request, the City Clerk may likely complete the process for other public records requests before starting a subsequent request. The Act does not allow a requestor to search through the City's files for unidentifiable records. Members of the public may not remove documents from the viewing area, disassemble, or alter any document.
- m. **Providing copies of records.** The requestor is to indicate which documents he or she wishes to have copied or scanned using a mutually agreed upon non-permanent

method of marking the desired records. After inspection is complete, the City Clerk will arrange for copying or scanning. It is considered copying, not creating a new record, when making a copy of an electronic record.

- n. **Providing records in installments.** When a request is for a large number of records, the City Clerk will provide access for inspection and copying in installments if he or she reasonably determines that it would be practical to provide the records in that way. If the requestor fails to inspect the entire set of records or one or more of the installments within thirty days, the City Clerk may stop searching for the remaining records and close the request.
- o. **Completion of inspection.** When the inspection of the requested records is complete and the City Clerk provides all requested copies, the Clerk will indicate that the City has completed its search for the requested records and made any located non-exempt records available for inspection.
- p. **Closing withdrawn or abandoned requests.** If the requestor withdraws the request, fails to fulfill his or her obligations to inspect the records or fails to pay the deposit or final payment for the requested copies or scans, the City Clerk will close the request and indicate to the requestor that the City has closed the request. The City Clerk will document closure of the request and the conditions that led to closure in the public records request database.
- q. **Later discovered documents.** If, after the City Clerk has informed the requestor that the City has provided all available records, the City becomes aware of additional responsive documents that existed on the date of the request, the City Clerk will promptly inform the requestor of the additional documents and provide them on an expedited basis.
- r. **No duty to create records.** The City is not obligated to create a new record to satisfy a records request. The City may create, at its discretion, a new record to fulfill the request where it may be easier for the City 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.
- s. **No duty to supplement responses.** The City is not obligated to hold current records requests open to respond to requests for potentially created records in the future. If the City creates a public record or comes into the possession of one after a completed request to the City; it is not responsive to the request and will not provide the record. A requester must make a new request to obtain later-created public records.
- t. **Requests for information or nonexistent records.** Requests for information are not PRRs. An agency is not required to conduct research for a requestor. An agency is not required to create records to respond to a request.

Section 6. Processing Requests for Electronic Records

- a. **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.
- b. **Providing electronic records.** If a requestor requests public records in an electronic format, the City Clerk will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that the City uses and is generally commercially available. The City could also provide it in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are set out on the fee schedule (see Section 10) as established by resolution of the City Council and are available through a link on the City's website, or by contacting the City Clerk.
- c. **Customized access to databases.** With the consent of the requestor, the City may provide customized access under RCW 43.41A.130 if the record is not reasonably locatable or not reasonably translatable into the format requested. The City may charge a fee consistent with RCW 43.41A. 130 for such customized access.
- d. **Retaining electronic copies.** Because an electronic record is usually more susceptible to manipulation and alteration than a paper record, the City will keep, when feasible, an electronic copy of the electronic records it provides to a requestor to be able to show the exact records it provided if necessary.

Section 7. Exempt and Prohibited Disclosure of Public Records

The City 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.

- a. Statute prohibits the City from disclosing lists of individuals for commercial purposes.
- b. The Act, RCW 42.56, prohibits the City from disclosing a number of document types and information or make them exempt from public inspection and copying.
- c. In addition, other statutes may exempt or prohibit disclosure of other documents and information.
- d. A current list of the prohibitions, exemptions, and other statutes limiting the disclosure of records can be found at Municipal Research Service Center's publication "Public Records Act for Washington Cities, Counties and Special Purpose Districts," on the

City's website through the City Clerk's Records Portal and under Public Record Requests.

Exemptions provided by other statutes. The Act provides that a number of records are exempt from public inspection and copying. In addition, documents are exempt from production if any "other statute" exempts or prohibits production. Requestors should be aware of the following exemptions, outside the Act, that may restrict the availability of some records held by the City for inspection and copying/scanning (this list can change without notice as case law changes):

- RCW 2.64.111 Documents regarding discipline/retirement of judges
- RCW 2.64.113 Confidentiality - violations
- RCW 4.24.550 Information on sex offenders to public
- RCW 5.60.060 Privileged communications
- RCW 5.60.070 Court-ordered mediation records
- RCW 7.68.140 Victims compensation claims
- RCW 7.69A.030(4) Child victims and witnesses - protection of identity
- RCW 7.69A.050 Rights of child victims and witnesses - addresses
- RCW 7.75.050 Records of Dispute Resolution Centers
- RCW 9.02.100 Reproductive privacy
- RCW 9.51.050 Disclosing transaction of grand jury
- RCW 9.51.060 Disclosure of grand jury deposition
- RCW 9.73.090(1)(c) Prohibition regarding specified emergency response personnel recordings
- RCW 10.27.090 Grand jury testimony/evidence
- RCW 10.27.160 Grand jury reports - release to public only by judicial order
- RCW 10.52.100 Records identifying child victim of sexual assault
- RCW 10.77.210 Records of persons committed for criminal insanity
- RCW 10.97.040 Criminal history information released must include disposition
- RCW 10.97.050 Conviction and criminal history information
- RCW 10.97.060 Deletion of certain criminal history record information, conditions
- RCW 10.97.070 Disclosure of identity of suspect to victim
- RCW 10.97.080 Inspection of criminal record by subject
- RCW 13.34.115 Court dependency proceedings
- RCW 13.40.217 Juveniles adjudicated of sex offenses - release of information
- RCW 13.50.010 Maintenance of and access to juvenile records
- RCW 13.50.050 Juvenile offenders
- RCW 13.50.100 Juvenile/children records not relating to offenses
- RCW 13.60.020 Missing children information
- RCW 18.04.405 Confidentiality of information gained by CPA
- RCW 18.19.060 Notification to clients by counselors
- RCW 18.19.180 Confidential communications with counselors
- RCW 19.34.240(3) Private digital signature keys
- RCW 19.215.020 Destruction of personal health and financial information

RCW 19.215.030 Compliance with federal rules
RCW 26.04.175 Name and address of domestic violence victim in marriage records
RCW 26.12.170 Reports of child abuse/neglect with courts
RCW 26.23.050 Child support orders
RCW 26.23.120 Child support records
RCW 26.26.041 Uniform Parentage Act - protection of participants
RCW 26.26.450 Confidentiality of genetic testing
RCW 26.33.330 Sealed court adoption records
RCW 26.33.340 Agency adoption records
RCW 26.33.343 Access to adoption records by confidential intermediary
RCW 26.33.345 Release of name of court for adoption or relinquishment
RCW 26.33.380 Adoption - identity of birth parents confidential
RCW 26.44.010 Privacy of reports on child abuse and neglect
RCW 26.44.020(19) Unfounded allegations of child abuse or neglect
RCW 26.44.030 Reports of child abuse/neglect
RCW 26.44.125 Right to review and amend abuse finding - confidentiality
RCW 27.53.070 Records identifying the location of archaeological sites
RCW 29A.08.710 Voter registration records - certain information exempt
RCW 29A.08.720 Voter registration records - place of registration confidential
RCW 40.14 Preservation and destruction of public records
RCW 42.23.070(4) Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7) Identity of local government whistleblower
RCW 42.41.045 Nondisclosure of protected information (whistleblower)
RCW 43.185C.280 Crisis residential centers notice to parent about child
RCW 46.52.080 Traffic accident reports - confidentiality
RCW 46.52.083 Traffic accident reports - available to interested parties
RCW 46.52.120 Traffic crimes and infractions - confidential use by police and courts
RCW 46.52.130(2) Abstract of driving record
RCW 48.62.101 Local government insurance transactions - access to information
RCW 50.13.060 Access to employment security records by local government agencies
RCW 50.13.100 Disclosure of non-identifiable information or with consent
RCW 51.28.070 Worker's compensation records
RCW 51.36.060 Physician information on injured workers
RCW 60.70.040 No duty to disclose record of common law lien
RCW 68.50.105 Autopsy reports
RCW 68.50.320 Dental identification records - available to law enforcement agencies
RCW 70.02 Medical records - access and disclosure - entire chapter
RCW 70.05.170 Child mortality reviews by local health departments
RCW 70.24.022 Public health agency info, regarding sexually transmitted disease investigations - confidential
RCW 70.24.024 Transcripts and records of hearings regarding sexually transmitted diseases
RCW 70.28.020 Local health department TB records - confidential
RCW 70.48.100 Jail records and booking photos

RCW 70.58.055 Birth certificates - certain information confidential
RCW 70.58.104 Vital records, research confidentiality safeguards
RCW 70.94.205 Washington Clean Air Act - confidentiality of data
RCW 70.123.075 Client records of domestic violence programs
RCW 70.125.065 Records of rape crisis centers in discovery
RCW 71.05.425 Notice of release or transfer of committed person after offense dismissal
RCW 71.05.445 Release of mental health information to Dept. of Corrections
RCW 71.05.620 Authorization requirements and access to court records
RCW 71.24.035(5)(g) Mental health information system
RCW 71.34.340 Mental health treatment of minors
RCW 71.34.335 Court records for minors related to mental health treatment
RCW 71.34.345 Release of mental health services information
RCW 71A.14.070 Records regarding developmental disability
RCW 72.09.345 Notice to public about sex offenders
RCW 72.09.585(3) Disclosure of inmate records to local agencies
RCW 73.04.030 Veterans discharge papers exemption (see related RCW 42.56.440)
RCW 74.04.060 Applicants and recipients of public assistance
RCW 74.04.520 Food stamp program confidentiality
RCW 74.09.900 Medical assistance
RCW 74.13.280 Children in out-of-home placements
RCW 74.13A.045 Financial information of adoptive parents
RCW 74.20.280 Child support enforcement - local agency cooperation, information
RCW 74.34.095 Abuse of vulnerable adults - confidentiality of investigations and reports
RCW 82.32.330 Disclosure of tax information
RCW 84.36.389 Confidential income data in property tax records held by assessor
RCW 84.40.020 Confidential income data supplied to assessor regarding real property
20 USC § 1232g Family Education Rights and Privacy Act
42 USC 290dd-2 Confidentiality of Substance Abuse Records
42 USC 405(c)(2)(vii)(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(b)(2)(A) Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
45 CFR 160-164 HIPAA Privacy Rule

Section 8. Categories of Requests

The City receives a significant number of PRRs annually, and must allocate staff resources in a manner that responds to each request thoroughly, correctly, and within required deadlines. In order to do so and maintain the City's ongoing regular service and functions, it is necessary to differentiate PRRs according to their complexity and the estimated staff time involved in completing the request.

When a PRR is received, the City Clerk and/or the designated department will categorize the request according to the nature, volume and availability of the requested; as outlined in Categories 1 through 4 below.

Accela PublicStuff (CRM) software maintains and tracks all Category 2, 3, and 4 requests. It identifies the status of the records as "Submitted," "Received," "In Progress," or "Completed."

(Requests requiring immediate response in the interest of public safety, imminent danger, take priority over all other requests.)

- a. **Category 1** records requests are routine or readily filled requests for easily identified and immediately accessible records. These requests require little or no coordination between departments and are for records known not to contain exempted information. Examples include requests to review a permit file made at the Planning counter and requests for meeting minutes or ordinances, etc. (no CRM entry required).
- b. **Category 2** (enter into CRM) records requests are routine requests that involve:
 - (i) more than one record or file, and/or
 - (ii) records not easily identified, located and accessible, and/or
 - (iii) records that require some coordination between departments.
- c. **Category 3** (enter into CRM) records requests are complex requests which involve:
 - (i) a large number of records, and/or
 - (ii) research by City staff, and/or
 - (iii) review by City Clerk to determine whether any of the records are exempt from production.
- d. **Category 4** (enter into CRM) records requests are complex requests that may be especially broad or vague which may involve:

- (i) a large number of records that are not easily identified, located or accessible, requiring coordination between multiple departments, and/or
- (ii) research by City staff who are not primarily responsible for public disclosure and/or
- (iii) legal review and creation of an exemption log. These requests may require additional assistance from third parties.

After initial categorization, staff may re-categorize records requests in response to unanticipated circumstances or additional information.

Section 9. Standard Time Periods for Response

Mindful of the requirements of RCW 42.56 .100 to provide the fullest assistance, to the extent reasonably possible, the City Clerk will process requests in the order allowing the most requests to be processed in the most efficient manner. The Clerk's Offices established goals for the following standard periods for response to all categories of records requests. Historically, the City fulfills the majority of requests processed within 12 days.

- a. **Category 1 records requests.** Generally, the City will respond to Category 1 records requests within five business days. If the City cannot make records available within five business days, the City may extend the time to respond as described above.
- b. **Category 2 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. Staff make the estimate on a case-by-case basis. Depending on the nature and scope of the request, Category 2 requests usually require between 5 and 30 business days.
- c. **Category 3 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. Staff make the estimate on a case-by-case basis. Depending on the nature and scope of the request, Category 3 records requests may require several weeks to several months.
- d. **Category 4 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. Staff make the estimate on a case-by-case basis. Depending on the nature and scope of the request, Category 4 records requests may require several weeks to a year or more.

Staff will initially enter records requests in the respective queues in the chronological order

received. Responding to a records request is not always a sequential process. The Clerk's Office will manage the active queues by moving between requests based on circumstances that may include, but are not limited to the following:

- a request is waiting for records to be retrieved from storage;
- a request is waiting for records to be retrieved from persons or entities that hold them on behalf of the City (e.g. employees, consultants);
- a request is waiting for the requestor to respond to a request for clarification;
- a request is waiting for a response after notifying a third party named in a record;
- a request is waiting for the expiration of the time allowed a third party to obtain an order from a court enjoining release of records;
- a request is waiting for resolution of a legal action filed by a third party to enjoin release of records;
- a request is waiting for legal review of records to determine if they meet the definition of a public record or the applicability of exemptions and production of an exemption log;
- a request is waiting for consideration of a petition to review denial of access;
- a request is waiting for the requestor to pay for the records or pay a deposit for records;
- a request is waiting for external vendor reproduction of records; or
- a request is waiting for the requestor to claim an installment or physically inspect records.

Section 10. Costs of Providing Copies of Public Records

State law does not allow the City to charge for locating a public record or for making records available for review or inspection. The City may charge, however, for reimbursement of certain costs associated with copying or scanning public records.

- a. **Costs for copies.** A requestor may obtain copies or scans as provided under RCW 42.56.070(8), 42.56.120 and WAC 44-14-07003; the City will charge for those copies or scans according to the fee schedule noted in Section c below. For records in other forms, the City will charge the actual cost it pays for the medium used to record the record or records provided. Those mediums include, but are not limited to, tapes, floppy disks, CDs, DVDs and paper that costs more than \$.15 per page. The statements providing those costs are the invoices paid to obtain them and are available for public inspection and copying.
- b. **Costs for electronic records.** A requestor may obtain electronic records as provided for in RCW 42.565.070 and 2005 c 274 s 284; the City will charge for records translated into an alternative electronic format in order to provide the records electronically,

according to the fee schedule referenced in Section c below.

- c. **Fee schedule.** The charge for standard black-and-white photocopies and scans is \$.15 per page, and the charge for electronically produced responsive records is

- Records scanned into electronic format - \$.10 per page
- Electronic file or attachment uploaded to email or cloud-based service or other means of electronic delivery - \$.05 per electronic file
- Transmission of records in electronic format to send electronically - \$.10 per gigabyte

If the City has to pay an outside firm for duplicating records in non-routine formats such as photographs, blueprints or tape recordings, the City passes on the actual cost to the requestor.

- d. **Certified copies.** Where the request is for a certified copy, the City may apply an additional charge to cover the additional expense and time required for certification.
- e. **Faxing and mailing charges.** The City may charge actual costs of long distance facsimile transmission and/or mailing, including the cost of the shipping container.
- f. **Sales tax.** The City will not charge sales tax on copies of records.
- g. **Other copying charges.** The Act generally governs copying charges for public records, but several specific statutes govern charges for particular kinds of records. For example - RCW 46.52.085 (charges for traffic accident reports) and RCW 10.97.100 (copies of Camas Police Department records). The City will charge the amount authorized pursuant to these other statutes rather than as provided under the Act.
- h. **Use of outside Vendor.** An agency is not required to copy/scan records at its own facilities. An agency can send the project to a commercial copying/scanning center and bill the requestor for the amount charged by the vendor. An agency can arrange with the requestor to pay the vendor directly. An agency cannot charge the default per page copying/scanning charge when its cost at a vendor is less.
- i. **Deposit or payment by installments.** Before beginning to copy or electronically produce records, the City Clerk or designee may require a deposit of up to 50% of the estimated costs of copying or for staff to produce the specified records electronically. The City Clerk may also require the payment of the remainder of the copying or electronic production costs before providing all the records, or the payment of the costs to produce an installment before providing that installment.
- j. **Method of payment.** Payment may be made by cash, check, credit card or money order made payable to the City of Camas.

- k. **Fee Waiver.** The City Clerk has the discretion to waive copying or electronic production charges. The City always charges actual costs of digital storage media devices, envelope and postage (if applicable).

Fee waivers are an exception and are at the discretion of the City Clerk; they may waive fees for small requests under the following conditions:

- 1) Producing records for small requests and charges equal \$1.00 or less; or
- 2) All of the records responsive to an entire request are paper copies only and are 25 or fewer pages; or
- 3) Staff can provide all of the records responsive to an entire request electronically and in a single email with attachments of a size totaling no more than the equivalent of 100 printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor may be charged in accordance with this rule

Fee waivers are not applicable to records provided in installments (due to the large volume of records).

Section 11. Denials of Requests for Public Records Appeal Process

- a. **Appeal for internal administrative review of denial of access.** Any person who would like to appeal the initial denial or partial denial of a records request may appeal in writing (including email) to the Clerk's Office for a review of that decision. The appeal is to include a copy of, or reasonably identify, the written statement by the City Clerk or designee denying the request. This voluntary procedure would give the City a reasonable opportunity to facilitate a quick resolution to any disputes while avoiding the expense and delay associated with litigation. This process does not restrict a requestor's right to bring a lawsuit under RCW 42.56.550.
- b. **Consideration of appeal for review.** The City Clerk will promptly provide the appeal and any other relevant information to the City Administrator or his or her designee to conduct the review. The City Administrator or his or her designee will promptly consider the appeal and either affirm or reverse the denial within two business days following the City's receipt of the appeal, or within such other time to which the City and the requestor mutually agree.
- c. **Judicial review.** Any person 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.

For more information about the Public Records Act (PRA), see –

- [Revised Code of Washington \(RCW\) 42.56 PRA](#)
- [MRSCs PRA general overview](#)

- [Washington Administrative Code \(WAC\) PRA Model Rules](#)
- [Washington State Attorney General's "Sunshine Laws" publication](#)

INTERNAL NOTES and PROCEDURES FOR PRRs

“Counter Requests” / In-Person

- A counter request is a request to review a department file or obtain an easily identifiable permit or record; these are Category 1 requests and do not have to be entered into CRM
- Category 1 counter requests may be fulfilled immediately by staff if the record is on site and it is well known that the type of requested record does not contain any exempt information
- The requester may remain anonymous
- Photocopies and scans are charged in accordance with the City’s Fee Schedule (the first 10 pages are free)
- It is NOT a Category 1 request if:
 - Requesting all records pertaining to a parcel or topic
 - Requested records are stored off-site or otherwise not immediately available
 - Requesting multiple copies of varying records (these must be entered into CRM)

PUBLIC RECORDS REQUESTS TIPS

- Immediately upon receiving a PRR in any form, enter Categories 2-4 level requests into CRM.
- Processing PRRs in CRM:
 - Use CRM for all internal communication re: the PRR
 - To Reassign the workflow – use comments for the details
 - To pass along to another department after your portion has been completed – use comments for the details
 - To copy other staff on communications to the requestor
 - Use the Comments for all communication with the requestor
 - When commenting to the requestor, toggle the Internal button to Public
 - Use CRM to fulfill the request
 - Place the records in the correct folder in the H:/ drive
 - Go to the records portal to copy the link to that particular folder
 - Paste that link in the comment to fulfill the request
 - Use the comments to communicate any other details
 - Use the “Status” drop-down list to show when:
 - *Received* a request
 - *In Progress*, working on the request
 - *Completed*, when you’ve fulfilled the request
- The Clerk’s Office is available to assist in fulfilling large requests and is available to attend coordination meetings.
- Some requests for information are difficult to distinguish from PRRs. If you are unsure, consult the City Clerk.
- The City Clerk’s Office tracks all deadlines.
- The City Clerk contacts staff to ascertain the reasonable amount of time necessary to respond to the request, taking into consideration workload and staffing.
- The City Clerk coordinates searches of the email system when applicable.
- Ensure there is an initial response within five business days.
- The City Clerk can assist in coordination of any additional responses and the gathering of records responsive to the request.
- If the City Clerk believes that any information contained in the responsive records is exempt, he or she documents that information and provides redacted documents with the explanation.
- The City Clerk may consult with the City Attorney on redactions or when withholding a record.
- The City Clerk will also determine if third-party notice is advisable.
- Once all requested documents have been provided, with details of any exempt documents, if

applicable, the City Clerk will provide notice to the requester that the request has been closed; also inviting the requestor to let us know if it is not what they were looking for.

- If the Requestor does not retrieve the requested records within 30 days of notice that they are ready, the Clerk's Office considers that request abandoned. A reminder to the requestor after 15 days is advisable, but not required.
- "Personal Device Use" Declaration (Exhibit B)
- Search Terms Used –
 - May have to confirm which search terms they'd prefer used
 - When providing results, inform requestor which terms were used
 - If undue burden amount of records (500K pages, etc.)
 - Ask if they'd like to further refine their search terms
 - If there are no results, confirm with Staff if it once had another name or was referred to as something else (project names can change), as a part of our due diligence in providing responsive records to their request
- When replying to the requestor when there are no records, ask them if they were expecting something different.

WHEN TO DIRECT TO OTHER DEPARTMENTS:

- Police or code compliance records - direct to the Police Department
- Court records – direct to Municipal Court
- Fire records – direct to the Fire Department
- Ambulance records – direct to Finance Department



ADEQUATE SEARCH AFFIDAVIT

EXHIBIT A

PRR CRM #:

1. Select your department: Choose an item. Check this box is **no search conducted**:
2. State your position and your qualification to conduct this search: Click here to enter text.
3. For electronic records, provide the search terms used in your search: Click here to enter text.
 - a. How were the search terms determined? Click here to enter text.
4. Explain if and how technology was used to conduct searches: Click here to enter text.
5. Which sources were searched, check all that apply & add notes, leave it blank if it's not applicable:
 - a. **Computer Network / Local Drives**
 - C
 - G
 - R
 - H
 - F (Your "USERS" file)
 - Flash/thumb
 - Other: Click here to enter text.
 - b. **Hard Copy Files**
 - City files
 - Department files
 - Site files
 - Meeting files
 - Your desk files
 - Other: Click here to enter text.
 - c. **Software Printout / Report**
 - Accela (citizen/staff Incident reporting/requests)
 - Backflow program
 - Cedars (Engineering/maps)
 - Databases
 - Granicus (Legistar)
 - Pontem (cemetery)
 - SmartSheets (Planning)
 - Socrata (Finance)
 - Springbrook
 - Other: Click here to enter text.
 - d. **Cloud Storage**
 - Box
 - CertainSafe
 - Dropbox
 - Google Drive
 - iCloud
 - Mega

- NextCloud
- OneDrive
- SpiderOak
- Other: Click here to enter text.

e. Other Software / Programs

- Click here to enter text.

f. Logs

- Call
- Work
- Meeting
- Planner
- Spreadsheets
- Other: Click here to enter text.

g. Calendar Events

- Click here to enter text.

h. Other locations not listed above

- Click here to enter text.

(The City disallows the use of Snapchat & Nextdoor. YouTube commenting is turned off on all City YouTube channels)

THE CITY CLERK'S OFFICE IS RESPONSIBLE FOR, AND PERFORMS, THE SEARCH FOR EMAILS, WEBSITE AND SOCIAL MEDIA CONTENT

Check each box to indicate your understanding that:

- Whether you believe a record was provided by someone else / another dept., YOUR copy of MUST be provided
- Records are not to be created, if one does not exist, it simply does not exist
- If a report can be run, run the report

IF YOU'RE AWARE THAT OTHER DEPARTMENTS OR STAFF MAY HAVE RECORDS, PLEASE PROVIDE THAT INFORMATION and/or

IF YOU'RE AWARE OF KNOWN EXEMPTIONS THAT APPLY TO ANY OF THE RECORDS YOU'RE PROVIDING, PLEASE STATE WHAT THE EXEMPTIONS ARE AND WHAT RECORDS THEY APPLY TO: Click here to enter text.

By typing your name here, you're attesting that you have performed the search to the best of your ability and have provided all responsive records that you are aware of:

Click here to enter text.

Date: Click here to enter text.

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- [Revised Code of Washington \(RCW\) 42.56 PRA](#)
- [MRSCs PRA general overview](#)
- [Washington Administrative Code \(WAC\) PRA Model Rules](#)
- [Washington State Attorney General's "Sunshine Laws" publication](#)



DECLARATION

Personal Device Use & Responsive Records

I, [Click here to enter text.](#), employee/elected official of the City of Camas (hereafter, "City"), declare under penalty of perjury as follows:

1. I understand that under Washington law, all responsive, non-exempt, public records must be disclosed in response to a Public Record Request. Initials: [Click here to enter text.](#)
2. I received training on the Public Records Act. Initials: [Click here to enter text.](#)
3. I understand the definition of "Public Record" under Washington law. Initials: [Click here to enter text.](#)
4. I understand what constitutes a personal record. Initials: [Click here to enter text.](#)
5. I have undertaken a good faith effort to locate all responsive records on my personal device(s). Initials: [Click here to enter text.](#)
6. I use my personal device(s) to conduct City business in the following way(s): (please identify which personal devices were used and how) [Click here to enter text.](#)
7. I retain public records on my personal device in the following way(s): [Click here to enter text.](#)
8. I searched my personal device in the following way(s) for responsive public records: (please describe the date of the search, search terms used and how the search was conducted) [Click here to enter text.](#)
9. To the best of my knowledge and based upon my search, all withheld records are purely personal in nature, transitory, or do not pertain to the relevant request. (If personal records are returned during a search for public records, please explain why the record qualifies as personal. Provide sufficient facts to show these records are not public records and, thus, not responsive) [Click here to enter text.](#)
10. All responsive records have been turned over to the City for further review and disclosure as mandated by the Public Records Act. Initials: [Click here to enter text.](#)
11. In the event additional searches are conducted and result in responsive records, those records will be turned over to the City. Initials: [Click here to enter text.](#)

Your typed name here, serves as your signature of declaration: [Click here to enter text.](#)

Date: [Click here to enter text.](#)