

240 – Public Records Disclosure

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1.0 PURPOSE

In accordance with RCW 42.56.070, which requires: (1) *each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to include 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.* (2) *requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.*

The purpose of these rules is to establish the procedures the Des Moines Pool Metropolitan Park District (District) will follow to provide full access to public records. These rules provide information to persons wishing to request access to public records of the District and establish processes for both requestors and District staff that are designed to best assist members of the public in obtaining such access.

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The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the District will be guided by the provisions of the act describing its purposes and interpretation.

2.0 AUTHORITY AND PURPOSE

The District is a metropolitan park district formed pursuant to chapter 35.61 RCW. The District offices are located at 22015 Marine View Drive South, Des Moines, WA 98198.

The Clerk of the Board will oversee compliance with the act but another District staff member may process the request. Therefore, these rules will refer to the public records officer "or designee". The public records officer or designee and the District will provide the "fullest assistance" to requestors; create and maintain for use by the public and District officials an index to its public records; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the District.

See Section 3.3 to make a request for Public Records.

3.0 AVAILABILITY OF PUBLIC RECORDS

3.1 Hours for Inspection of Records

Public records are available for inspection and copying, Monday through Thursday, excluding legal holidays. As the District has limited resources and staff, the requester shall make prior arrangements with the Clerk of the Board establishing date and time of inspection. Records must be inspected at the offices of the District.

3.2 Organization of Records

The District will maintain its records in a reasonably organized manner. The District will take reasonable actions to protect records from damage and disorganization. A requestor shall not take District records from District offices without the permission of the Clerk of the Board or designee.

A majority of public records are available on the District web site at www.desmoinespool.org. Requestors are encouraged to view the documents available on the web site prior to submitting a records request. As the District maintains a computer network, to maintain the security of the records as required by RCW 42.56.100, the public shall not have access to the computer hardware to review electronic files.

3.3 Making a Request for Public Records

Any person wishing to inspect or have copies made of public records of the District should make the request in writing on a District request form (See Attachment B) , or by letter, fax, or e-mail addressed to the District Clerk at the following address:

District Clerk

Des Moines Pool Metropolitan Park District
22015 Marine View Drive South, Suite 2B
Des Moines, WA 98198
Tel: 206-429-3852
Email: info@desmoinespool.org

The request should include the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any e-mail address;
- Identification of the public records adequate for the public records officer or designee to locate the records; and
- The date and time of day of the request.

If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. See Section 5.0 for the cost of providing copies of public records. .

Information is also available at the District website at www.desmoinespool.org

4.0 PROCESSING OF PUBLIC RECORDS REQUESTS – GENERAL

4.1 Definition of Public Records for the District

Three categories help to define public records:

- a) **Writing**: This category is broadly defined to include many recorder media, communications and documentation in whatever appropriate expressive form is utilized. This may include letter photos, notes, film, discs, printing, type written, etc.

For the District, the majority of information shall be in the form of memoranda, meeting minutes, written reports, contracts and email communications. From time to time the District shall prepare other types of material for public consumption. The District may also receive documents from the public to be placed on the public record. The District shall identify as public records any other form of expression as defined by WAC 44-14-030(1) Writing and make such items available in electronic or other form.

- b) **Conduct of District Business**: A public record must also be defined as a document which relates to government conduct and performance of proprietary activities of the District. Any personal record having no indirect or direct relationship to government actions or decisions is not a public record in case of litigation or information requested on a controversial topic impacting the District.

- c) **Records Prepared, Owned, Used or Retained:** Under RCW 42.17.020(4) any document used in a decision-making process by the District shall be considered a public record. Second and third party documents provided to but not prepared by the District shall be considered a public record. The District shall retain copies. RCW 42.17.020(41).

The District shall establish and retain an “Electronic Filing Cloud” for all emails received or sent by District Commissioners or staff from their home computers. Each Commissioner or staff will be requested to keep a separate folder for agency business. The Public Records Officer may request a Commissioner or other staff member to forward certain District emails or information when needed or when a public records request is received.

4.2 Providing “Fullest Assistance”

The District is charged by statute with adopting rules which provide for how it will “provide full access to public records”, “protect records from damage or disorganization”, “prevent excessive interference with other essential functions of the agency”, provide “fullest assistance” to requestors, and provide the “timeliest possible action” on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

4.3 Acknowledging Receipt of Request

Within five business days of receipt of the request, the public records officer will do one or more of the following:

- Make the records available for inspection or copying;
- 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;
- Provide a reasonable estimate of when records will be available; or from the requestor. Such clarification may be requested and provided by telephone.
- The public records officer or designee may revise the estimate of when records will be available; or Deny the request. *See Attachment A for letter of response.*

4.4 Protecting Rights of Others

In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to take such action as they deem necessary to protect their interests. The notice to the affected persons will include a copy of the request.

4.5 Records Exempt from Disclosure

Under RCW 42.56 the District reserves the right to exempt whole or in part from public inspection those records deemed confidential or disclosure of which might cause harm. Names and lists of people shall not be disclosed if the lists are to be

used for commercial or marketing purposes. The Public Records officer shall have the right and discretion to deny such a request.

In addition, under RCW 42.56.070, the District reserves the right to delete identifying details when it makes available any public record or printout of a public record in any case where there is reason to believe that disclosure of details would be an invasion of personal privacy.

4.6 Inspection of Records

4.5.1 Consistent with other demands, the District shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

4.5.2 The requestor must claim or review the assembled records within thirty days of the Districts' notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements 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 District may close the request and re-file the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

4.7 Providing Copies of Records

After inspection is complete, the public records officer or designee shall make the requested copies.

4.8 Providing Records in Installments

When the request is for a large number of records, the public records officer or designee 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, 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 close the request.

4.9 Completion of Inspection

When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the District has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

4.10 Closing Withdrawn or Abandoned Request

When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the

requested copies, the public records officer will close the request and indicate to the requestor that the District has closed the request.

4.11 Later Discovered Documents

If, after the District has informed the requestor that it has provided all available records, the District 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.

5.0 COSTS OF PROVIDING COPIES OF PUBLIC RECORDS

5.1 Costs for Paper Copies

There is no fee for inspecting public records. The District charges \$0.15 per page for a photocopy of a record selected by a requestor.

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. 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. The District will not charge sales tax when it makes copies of public records.

5.2 Costs for Electronic Records

The cost of electronic copies of records shall be \$1.00 per CD/DVD for information requested on these media types.

5.3 Costs of Mailing

The District may also charge actual costs of mailing, including the cost of the shipping container.

5.4 Payment

Payment may be made by cash, check, or money order to the Des Moines Pool Metropolitan Park District.

6.0 REVIEW OF DENIALS OF PUBLIC RECORDS

6.1 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.

6.2 Consideration of Petition for Review

The public records officer shall promptly provide the petition and any other relevant information to the public records officer's supervisor or other the Districts' official designated by the District to conduct the review. That person will immediately consider the petition and either affirm or reverse the denial within two business days

following the Districts' receipt of the petition, or within such other time as the District and the requestor mutually agree to.

6.3 Judicial Review

Any person may obtain court review of denials of public records request pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

Attachment A
Letter of Response
Des Moines Pool Metropolitan Park District

Date
John Doe
123 Anywhere St.

Dear Mr. Doe

The Des Moines Pool Metropolitan Park District is in receipt of your request for public records received in this office on (Date), requesting (Document(s)). Below is the determination of our Public Records Coordinator on your request:

_____ Requested documents are ready for review

_____ Need time to locate documents. Estimated date documents will be ready:

_____ Denied: Reason: _____

_____ Unable to Locate

If you do not receive a complete response within two weeks, please contact my office at (206) 429-3852.

Sincerely yours,

Public Records Custodian



ATTACHMENT B
Des Moines Pool Metropolitan Park District

PUBLIC RECORDS REQUEST

Submit a Public Records Request

Mail: District Clerk, 22015 Marine View Dr. S., Des Moines, WA 98198

Email: linda.ray@desmoinespool.org

Questions: 206-429-3852

Date of Request: _____
 Requestor's Name: _____
 Requestor's Mailing Address: _____
 City _____ State _____ Zip _____
 Phone: Home: _____ Cell: _____
 Email Address of Requestor: _____
 Title of Record(s) [if known]: _____
 Date of Record(s) [if known]: _____

Please describe the records you are requesting and any additional information (e.g., parcel # or address of property if applicable) that will assist us in locating this information for you as quickly as possible. Failure to provide information sufficient to identify the records may cause delay.

I understand there is a minimum of \$.15 per page charge if request exceeds twenty pages for duplication of these specific records. I agree to prepay duplication charges associated with my request.

I wish to have copies/duplicates of the records indicated above.

I wish to make an appointment to review the records indicated above before copies are made.

Method by which I would like to receive the information I have requested if electronic delivery is not possible:

Mailed to me

Call me and I will pick up in person

I certify that any lists of individuals obtained through this request for public records will not be used for commercial purposes, per RCW 42.56.070(9).

Signature Date

For District Staff Use Only:
 Date Received: _____ Comments: _____
 Request denied: ___ Yes ___ No Copies provided: ___ Yes ___ No Fee \$ _____ Total \$ _____
 Date completed: _____ Request completed by: _____