



## Public Records Request Policy

PUBLIC RECORDS REQUEST POLICY

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# Public Records Request Policy



## 1. POLICY STATEMENT

The purpose of this policy is to provide rules for the Port to implement the provisions of Chapter 42.56 RCW relating to public records of the Poulsbo Port District and to provide guidance to the public in obtaining access to public records. RCW 42.56.070(1) requires the Port to make available for inspecting and copying non-exempt “public records.”

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### **3. POLICY GUIDELINES**

#### **SECTION 1 EXCLUSIONS**

This policy is not intended to provide rules regarding access to public records of the State of Washington or the federal government, such as the Judicial Information System (JIS) and the National Crime Information Center (NCIC), even though those documents may be available at computer stations located in the Poulsbo Port District.

#### **SECTION 2 DEFINITIONS**

The definitions set forth in RCW 42.56.010 as hereafter amended shall apply to this policy.

#### **SECTION 3 PORT DISTRICT FORMATION AND ORGANIZATION**

The Poulsbo Port District is formed and organized pursuant to Title 53 RCW. The elected officials of the Port include the Board of Commissioners (with three members). Each of the elected officials of the Port operates independently on matters of policy and procedure within the scope of their statutory duties. The Board has established and appointed the positions of Executive Director and Port Accountant/Auditor, who are responsible for the daily operations of the Port.

#### **SECTION 4 DOCUMENT FILING SYSTEM—INDEX**

The Port office maintains the Archive Records Inventory for original documents generated by the Port. Any person who requests documents is entitled to an explanation of the system for filing and retrieving documents and to review any indices that may exist so that they may identify documents available as public records.

#### **SECTION 5 PUBLIC RECORDS OFFICER CONTACT INFORMATION**

The Executive Director, or designee, shall serve as the Public Records Officer (PRO) for the Port of Poulsbo and Board of Commissioners. The contact information is:

Public Records Officer  
Port of Poulsbo  
PO Box 732  
Poulsbo, WA 98370

Phone: (360) 779-9905 ext. 4  
Fax: (360) 779-8090  
Email: manager@portofpoulsbo.com

Any person wishing to request access to public records, or seeking assistance in making a request should contact the PRO at such address or on the Port website:

<http://www.portofpoulsbo.com>

## **SECTION 6** **REQUEST FOR PUBLIC RECORDS**

In accordance with requirements of Chapter 42.56 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

- a) All requests for existing public records shall be directed to the PRO.
- b) A public record request must be for identifiable records. A request for all or substantially all records prepared, owned, used, or retained by the Port is not a valid request for identifiable records, provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of the Port's records.
- c) A written request helps the Port make sure that the requester gets all the records that requester has asked for, and assists in assuring that any decision to withhold records is properly made and that the copying charges are accurate. Refusal to submit a written request may delay the process by necessitating additional correspondence to clarify the request.
- d) It is encouraged that the requester makes a written request for public records on the "request for public records" form provided by the Port. A uniform form is available from the PRO. The form is also available at the Port's website as stated in Section 5. The requester may also submit a written e-mail or letter that contains the information listed in below in Section 6(f).
- e) The requester's written request should include the following information:
  - i. Your name, address, and other contact information, including telephone number and any e-mail address.
  - ii. The date and time you submit your request.
  - iii. A clear indication that you are requesting public records pursuant to the Public Records Act, such as a document heading or title such as "A Public Records Request", to help make sure that the request is handled promptly. Requests for

- public records should not be combined with communications for other purposes. An e-mail request should contain the subject line “A Public Records Request.”
- iv. Whether the requester wants to inspect the public records or get copies, or both.
  - v. A clear description of the public records wanted so that the PRO and staff can find the records. The description should, if possible, include the subject matter and date or time period of creation of the records, if known.
  - vi. If the request is for a list of names and/or addresses, a signed statement that the list will not be used for any commercial purposes.
- f) The PRO will make a reasonable effort to assist the requester in identifying and describing the requested documents.
  - g) There is no obligation to provide duplicate copies of a public record.
  - h) Public records are available for inspection and copying during normal business hours of Port offices.

Monday – Friday 8:00 am – 4:30 pm (except legal holidays)

## **SECTION 7**

### **RESPONSE TO PUBLIC RECORDS REQUESTS**

The Public Records Officer shall respond promptly to requests for disclosure. There is no obligation to immediately provide a requested record on demand.

- a) Upon receipt of a public records request, the PRO will respond in writing within five (5) business days by:
  - i. Providing the record, or
  - ii. Providing an internet address and link to the Port’s website to the specific records requested, except if the requester notifies the Port that he or she cannot access the records, then the Port shall provide copies of the record or allow the requester to view copies using a Port computer, or
  - iii. Acknowledging that the Port has received the request and providing a reasonable estimate of the additional time for the reason(s) set forth below in Section 7(c) that he or she will require to respond to the request, or
  - iv. Acknowledging that the Port has received the request and asking the requester to provide clarification for a request that is unclear, and providing, to the greatest extent possible, a reasonable estimate of the time required to respond to the request if it is not clarified, or
  - v. Denying the public record request, or
  - vi. Referring the public records request in whole or in part to the Board of Commissioners.

- b) The PRO may redact exempt portions of requested records and provide non-exempt portions. Any response by the PRO refusing in whole, or in part, the inspection or copying of the public record shall be in writing and include a statement of the specific exemption authorizing the withholding of the record (or any part) and a brief explanation of how the exemption applies to the record(s) or portion thereof that is withheld.
- c) The PRO may need additional time to respond to a request based upon the need to:
  - i. Clarify what records the requester is seeking;
  - ii. Locate and assemble the records requested,
  - iii. Notify third persons or agencies whose rights may be affected by the inspection or disclosure of the records, or
  - iv. Determine whether any of the records or portions thereof are exempt and that a denial should be made as to all or part of the request.
  - v. Confer with the Board of Commissioners.
- d) If a public record request is unclear, the PRO may ask the requester in writing to clarify what records are being requested. If the requester fails to respond to the PRO's request for clarification, and the entire request is unclear, the PRO may close the request and will indicate in writing to the requester that the request is closed. Otherwise, the PRO will respond to those portions of the request that are clear.
- e) In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the PRO may, prior to providing the records, give the 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 contact the requester and ask him or her to revise the request or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected person shall identify the request or include a copy of the request.
- f) The person seeking disclosure shall be entitled to petition the Board of Commissioners for a review of any time estimate given or any other interim decision made by the PRO or seek redress as allowed in Chapter 42.56 RCW if the PRO responds to the request by providing an estimate of the time required to respond to the request and the requester feels the amount of time stated is not reasonable.
- g) The PRO will provide space to inspect public records. No member of the public may remove an original document from such place. The requester shall indicate which documents he or she wishes the agency to copy.
- h) When the request is for a large number of records, the PRO will provide access for inspection and copying installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty (30) days, the requester fails to inspect the entire set of records or one or more of the installments, the PRO may stop searching for the remaining records and close the request.

- i) When the inspection of requested records is complete and all requested copies are provided, the PRO will indicate that he or she, or Board of Commissioners, has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
- j) When the requester 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, or otherwise abandons the request, the PRO may close the request and shall indicate in writing to the requester that the request is closed.
- k) If, after the PRO has informed the requester that all responsive, non-exempt records have been provided, the PRO or Board of Commissioners becomes aware of additional responsive documents that existed at the time of the request, the PRO will promptly inform the requester in writing of the additional documents.

## **SECTION 8** **ELECTRONIC RECORDS**

- a) Unless the electronic records are specifically requested by the requester in electronic format, the PRO, at the officer's option, may print electronic records prior to copying and delivery of such records. If the record necessitates redaction due to an exemption, the Port is under no obligation to provide the record electronically. If the electronic record is not capable of being printed out due to its size, then the document may be provided electronically in the format in which the record is maintained by the Port or in Adobe PDF format. There is no obligation of the Port to convert an electronic record to a different format.
- b) Fees shall be charged as required by Section 10.

## **SECTION 9** **FEES—NO FEE REQUIRED IN CERTAIN INSTANCES**

Generally, no fee will be charged for the following activities:

- a) Inspection of a public record,
- b) Locating public records and making them available for copying,
- c) Searching for public records,
- d) Redacting portions of the record which are exempt from disclosure,
- e) Preparing an index of exempt documents, or
- f) Communicating with any individual(s) pursuant to Section 7(a)(iii), (d) or (e).

**SECTION 10**  
**FEES—COPIES OF PUBLIC RECORDS**

- a) Except as otherwise allowed in Section 11, a reasonable fee shall be charged to reimburse the Port for the costs of providing copies of public records, including:
  - I. Mailing costs.
  - II. Costs associated with scanning paper documents into electronic formats.
  - III. Costs associated with transmitting records in an electronic format, including the cost of any transmission charge and use of any physical media device provided by the Port.
  - IV. Payment shall be made by credit card, cash, check or money order payable to "Port of Poulsbo."
- b) In determining the actual cost for providing copies of public records, the Port may include all costs directly incident to copying such public records including:
  - I. The actual cost of the paper and the per page cost for use of Port copying equipment; and
  - II. The actual cost of the electronic production or file transfer of records and the use of any cloud-based data storage and processing service.
- c) The following fee schedule is applicable to public records requests unless the copying is done by a third person for hire or a different fee is fixed by this section or federal or state law. This fee schedule reflects the cost per page considering the staff time spent and the cost of supplies to make the copies of the documents.

**FEE SCHEDULE**

8 1/2 by 14 or smaller black and white copies	\$0.15 per page
8 1/2 by 14 or smaller color copies	\$0.30 per page
Oversized copies	\$1.00 per page
Photograph	Actual charge from private copy shop
Records scanned into electronic format	\$0.10 per page

Electronic records upload	\$0.05 per four files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery.
Electronic records transmission	\$0.10 per gigabyte
All items sent to a commercial Copy Shop	Actual charge plus postage and delivery
Tapes, or digital storage media	Actual cost
Postage	Actual charge
Fax (8 1/2 by 11 only)	\$1.00 per page
Customized Service Charge	Actual cost
Other	Actual cost

- d) Any request for more than ten (10) pages of documents, oversized documents, photographs, recorded images or sounds, and computer disks or any other record that cannot be copied or duplicated with the Port's equipment, may be sent by the Port to a private copy shop for copying, in which case the fee shall be the actual charge imposed for copying, plus applicable taxes and shipping costs.
- e) A customized service charge may be imposed if the Port estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the Port for other agency purposes. Prior to using custom services, the Port will notify the requester of the customized service charge to be applied, including an explanation of why the custom service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. The notice will provide the requester the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.
- f) The fee for providing a copy of public records may also be set by state statute or federal law. Where the state or federal law sets a fee for providing a copy of a record, that fee will be charged.
- g) Before beginning to make the copies, the PRO or designee may require a deposit of up to ten (10) percent of the estimated costs of copying all the records selected by the requester. The PRO may also require payment of the remainder of the copying costs

before providing all the records, or the payment of the costs of copying installment before providing that installment of records. No sales tax will be charged.

## **SECTION 11 FEES—WAIVER OF FEES**

- a) The PRO may waive the fee for fewer than ten (10) pages on the basis that the expense of processing the payment exceeds the costs of providing the copies.
- b) Additionally, the Port may waive any charge assessed for a request if the Port enters into a contract, memorandum of understanding, or other agreement with a requester that provides an alternative fee arrangement to the charges authorized in this policy, or in response to a voluminous or frequently occurring request.

## **SECTION 12 PROTECTION OF PUBLIC RECORDS**

- a) The PRO shall, to the extent practicable, insure that records requested are not removed from the premises nor portions thereof removed by members of the public except as necessary to make copies by a public employee or private copy business. Documents shall not be released to the public for the purpose of allowing the person making the request to make copies.
- b) No public records shall be filed or retained at any location other than in Port-owned or leased property. Any public record that is prepared or received at an off-site location, shall be promptly delivered to the Port office.

## **SECTION 13 EXEMPTIONS**

Chapter 42.56 RCW and other laws provide that types of records are exempt from public inspection and copying.

The Port hereby references the list of laws maintained by the Municipal Research Services Center (MRSC) as a list containing exemptions, other than those listed in Chapter 42.56 RCW, which exempts or prohibits disclosure of certain types of public records held by the Port.

**SECTION 14**  
**DENIAL OF PUBLIC RECORDS REQUESTS—OBJECTION—REVIEW**

- a) Any person who objects to the denial of a request for a public record may petition for review of such decision by submitting a written request for review to the Board of Commissioners. The written request shall specifically refer to the written response by the PRO or designee which constituted or accompanied the denial. A copy of the original request for documents must also be attached.
- b) Upon receiving a written request for review of a decision denying a public record, the Board of Commissioners may request a response from the PRO or designee reviewing the request. The Board of Commissioners shall consider the matter, following receipt of the written request for review, at the next scheduled meeting of the Port Commission.

**SECTION 15**  
**ADOPTION OF FORM—REQUEST FOR PUBLIC RECORDS**

The Port hereby adopts for use by all persons requesting inspection and/or copies of records of the Port, the form entitled "Request for Public Records." See attached Exhibit A. The form will be maintained by the Executive Director.

The form is available at the Port office, or on the website at:

<http://www.portofpoulsbo.com>

**SECTION 16**  
**PUBLIC RECORDS ACT—PAMPHLET AVAILABILITY**

The office of the Attorney General has a pamphlet available, written in plain language, explaining the provisions of the Public Records Act. Requests for a copy of the pamphlet should be directed to the Public Records Officer, Office of the Attorney General, PO Box 40100, Olympia, Washington 98504-0100. Additionally, a desk book pertaining to the Public Records Act is available at the website for the Washington State Attorney General.

**SECTION 17**  
**RETENTION AND DESTRUCTION OF PUBLIC RECORDS**

The Washington State Archivist has developed retention schedules for many categories of local government records including e-mail and electronic records. Records of the Port should be retained or destroyed consistent with the retention schedules. Copies of the retention schedules are available from Archives and Records Management of the Office of the Secretary

of State and online at the state website. If a public record request is made at a time when a record exists, but is scheduled for destruction in the near future, the PRO shall direct that the record be retained until the request is resolved.

## **SECTION 18** **SEVERABILITY**

If any provision of this policy is declared unconstitutional, or unlawful, or the applicability thereof to any person or circumstance is held invalid, the remainder of the policy and the applicability thereof to other persons and circumstances shall not be affected thereby.

## **SECTION 19** **EFFECTIVE DATE**

This policy shall take effect and be in full force upon its passage and adoption.

**EXHIBIT A****PORT OF POULSBO**  
P.O. BOX 732, POULSBO, WASHINGTON 98370**REQUEST FOR PUBLIC RECORDS****TO BE COMPLETED BY REQUESTER:**

DATE OF REQUEST: \_\_\_\_\_ TIME: \_\_\_\_\_

NAME: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

- I WOULD LIKE TO (mark all that apply):
- Inspect the public records  
 Obtain copies of the public records

DESCRIBE THE RECORDS YOU ARE REQUESTING: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**IF REQUESTING COPIES, IN WHAT FORMAT WOULD YOU PREFER TO RECEIVE THEM?**

Print: \_\_\_\_\_ Tape: \_\_\_\_\_ CD/DVD: \_\_\_\_\_ Flash Drive: \_\_\_\_\_ Email: \_\_\_\_\_

I certify, under the penalty of perjury, that the list of names and/or addresses obtained through this request for public records will not be used for any commercial purposes.

I understand and agree to the terms and conditions outlined in Section 10, Fees—Copies of Public Records, of the Port's *Request For Public Records Policy*.

SIGNATURE: \_\_\_\_\_

PLEASE PRINT NAME: \_\_\_\_\_  
\_\_\_\_\_**TO BE COMPLETED BY THE PUBLIC RECORDS OFFICER:**

DATE RECEIVED: \_\_\_\_\_ TIME: \_\_\_\_\_

RECORDS OFFICER: \_\_\_\_\_

**EXHIBIT A CONT.**

- Request:  was forwarded to the Port Attorney for review,  
 was NOT forwarded to the Port Attorney for review.
- Records:  are available for inspection or copying (attach copy of letter to requester required by Section 7(a)(i) or (ii)).  
 are not identifiable and a request for clarification was made on this date \_\_\_\_\_ by email or letter (attach copy of email or letter to requester required by Section 7 (a)(iii)),  
 may be available, but more time is needed to respond (attach copy of letter to requester required by Section 7 (a)(iii)),  
 are not available because they are exempt (attach copy of letter to requester required by Section 7 (a)(iv)),  
 partially available for inspection or copying as some portion of the records are exempt and have been withheld and/or redacted (attach copy of letter to requester required by Section 7(a)(iv)),  
 are not available because no responsive records exist (attach copy of letter to requester required by Section 7(a)(iv)).

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*Signature of Records Officer*

*Date*

- Request closed because:  copies were inspected or provided to requester,  
 no response was received to request for clarification and requester was notified request has been closed (attach copy of closure letter to requester required by Section 7(d)),  
 records were exempt in their entirety and requester was notified of exemptions,  
 no payment was received from requester and requester was notified that the request has been closed (attach copy of closure letter to requester required by Section 7(k)).
- 

*Signature of Records Officer*

*Date*

***For Port Use***

Number of print copies \_\_\_\_\_

Number of tapes \_\_\_\_\_

Number of CD/DVDs \_\_\_\_\_

Number of flash drives \_\_\_\_\_

Number of faxes \_\_\_\_\_

**TOTAL CHARGE** \_\_\_\_\_