

Public Records Act – City of McCleary Procedures & Policy

The purpose of these rules is to establish the procedures the City of McCleary will follow to provide full access to public records. These procedures provide information to persons wishing to access public records of the City of McCleary and to City employees to assist members of the public in obtaining such access.

1. Public Records Officer:

General City Information: The City Clerk-Treasurer has been designated as the City's public records officer for general information requests and may be contacted at:

City of McCleary
100 South 3rd Street
McCleary, WA 98557
Phone: (360) 495-3667
Fax: (360) 495-3097
publicrecords@cityofmccleary.com

Police Records: Due to the special requirements related to the release of criminal history record information (CHRI), requests for law enforcement records and police-worn body camera records should be directed to:

McCleary Police Department
100 South 3rd Street
McCleary, WA 98557
Phone: (360) 495-3107
Fax: (360) 495-4483
pdclerk@cityofmccleary.com

Fire and Emergency Medical Services Incident records: Requests to inspect or copy records for fire and emergency medical services incidents, maintained by the City's Fire Department should be made to the City Clerk-Treasurer at:

City of McCleary
100 South 3rd Street
McCleary, WA 98557
Phone: (360) 495-3667
Fax: (360) 495-3097
publicrecords@cityofmccleary.com

Municipal Court Records: Requests to inspect or copy records maintained by the McCleary Municipal Court, should be made through the Grays Harbor District Court #1 by filling out a records request form and emailing it to dcrecords@graysharbor.us or printing and sending the completed form to:

Grays Harbor County District Court #1
Attention: Records Custodian
102 W. Broadway Ave., Room 202
Montesano, WA 98563:

The public records officer will oversee compliance with the Public Records Act, but another staff member may process the request. Therefore, these procedures may refer to the public records officer or designee. The public records officer will provide the fullest assistance to requestors; ensure that public records are protected from damage or disorganization; and prevent the fulfillment of public records requests from causing excessive interference with essential functions of the City of McCleary.

2. Requests for public records:

- Requestors must give reasonable notice that a request is for public records. A request using the terms “public records,” “public disclosure,” “FOIA,” or “Freedom of Information Act” (terms commonly used for federal records) is reasonable notice to the City. The requested record must also be clearly identified so the City can locate it.
- A public records request form is available but is not mandatory. The form is available online at <https://www.cityofmccleary.com/administration/page/city-public-records-request-form> under the “I Want To...” tab or the “Local Government” tab. The written request should plainly state that it is a request for public records and include the following information:
 - 1) Name and address of requestor.
 - 2) Other contact information, including telephone number and an email address (if available).
 - 3) Identification of the public records sufficient for the public records officer or designee to reasonably identify and adequately locate the records.
 - 4) The date of the request.
 - 5) Whether the request is to inspect the records or have copies provided (either paper or electronic). (See Section 7 for applicable fees).
- City staff receiving any request for public records should immediately forward the request to the public records officer of each department. The request does not need to be made on the City’s form. No email requests shall be made

except to the designated email address for the public records officer. Email requests will be deemed received on the date the email is opened and read and not the date the email is received on the City's email system.

- The public records officer, and/or designees, will maintain a log of requests as required by RCW 42.56.
- Within five (5) days of receiving the public records request, the public records officer will provide an initial response. This initial response will do one of four things:
 - 1) Provide the record;
 - 2) Acknowledge that the City received the request and provide a reasonable estimate of the time necessary to fully respond;
 - 3) Seek clarification of the request; or
 - 4) Deny the request.
- Notice to Third Parties. If a public record contains personal information that identifies an individual or organization other than the subject of the requested public record, the City may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. The City may take this into account when providing an estimate for when the records will be available. The City should also review any contracts with third parties that may contain special notice provisions. Nothing in this policy is intended to create any right to such notice.
- The City will process non-routine record requests in the order allowing the most requests to be processed in the most efficient manner.

3. Inspection of records:

After notification of availability, public records will be accessible for inspection and/or copying during the normal business hours of the City as designated in the McCleary Municipal Code Section 1.04.100. (Currently, 8:00 a.m. through 4:00 p.m. Monday through Friday, of each week, but shall not include holidays occurring during the normal business week of the City as may be established by state law or actions of City Council.)

The City shall provide space to inspect public records. The public shall not be allowed to inspect the City's records in cabinets or vaults.

The public may not remove any documents from the viewing area or disassemble or alter any document. To select a paper record for copying during an inspection, a requestor must flag the page or document by use of a non-permanent method such

as a removable adhesive note. A requestor is not to take pictures of any documents via phone.

A requestor shall indicate which documents he or she wishes the City to copy. Since copying facilities are located in “employee only” areas of City facilities, for security purposes and to avoid unreasonable disruption of operations, the City cannot offer these facilities for public use. City staff will make the requested copies or arrange for copying and the requestor will be charged in accordance with the City’s fees.

4. Failure to respond to a public records request:

If the City of McCleary does not respond in writing within five (5) business days of the receipt of the request for records, the requestor should contact the public records officer to determine the reason for the failure to respond.

If within a thirty-day (30) period after notification of availability by the City, the requestor or a representative of the requestor fails to claim or review the records; fails to pay any required deposit; or fails to make other arrangements, the public records officer may close the request; have the assembled records re-filed; and indicate to the requestor that the request has been closed and abandoned.

5. Providing records in installments:

A public records request may cover a large number of records. The public records officer may determine that it would be practical to provide access for inspection and copying in installments. If, within thirty (30) days of being notified of availability, 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.

6. Procedure for review of denials of requests:

Any person objecting to an 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 identify the written statement by the public records officer or designee denying the request.

The public records officer shall give the petition for review of denial and any other relevant information to the City Attorney. The City Attorney will consider the petition and either affirm or reverse the denial within five (5) business days following receipt of the petition, or within such other time as the City Attorney determines to be necessary to review the petition.

Any person may obtain a court review of denials of public records requests pursuant to RCW 42.56.550 prior to the conclusion of two (2) business days after the initial denial regardless of any internal administrative appeal.

7. Fees:

The fees set forth in this section are default fees set pursuant to RCW 42.56.120. The City finds that calculating the actual cost of providing public records would be unduly burdensome given the limited staff resources and funding to dedicate to a comprehensive study to determine actual copying costs and that conducting such a study would interfere with the City's other essential agency functions.

No fee shall be charged for the inspection of Public Records.

The City may charge one or more of the following fees for copies of public records:

- Fifteen cents (0.15) per page for photocopies of public records or printed copies of electronic public records when requested by the person requesting records; payable at the time of pick-up;
- Electronic copies of records: Free, unless more than 80 files and/or 1 GB;
- The actual cost of any digital storage media or device provided by the City;
- Cost, including taxes, actually charged by any third-party vendor used to make copies;
- Postage and shipping costs, including the cost of any containers used in shipping;
- The actual cost of Body-Worn and/or Car Camera Video Redaction is at a rate of \$6.10 per minute of video and/or audio recorded. A deposit of an estimated 10% of the total amount will be required prior to completing and providing the request.

The McCleary Police Department bases the costs of redaction on studies performed by the Spokane and Seattle Police Departments. These studies were based on staff time spent reviewing and redacting video, audio, or video and audio footage for the purposes of public records requests. Due to the Washington State Public Records Act certain images, information, and audio statements are protected from release through a public record request and therefore must be redacted prior to the release of the record.

Time Studies:

Stopwatch-style time studies were conducted to determine the amount of time it takes to redact body camera recordings including how long it takes to remove audio from an entire video, eliminate one minute of video, redact one minute of audio, and redact one minute of video.

TIME STUDY RESULTS:

Redaction Type	Video Time	Average Redaction Time
Targeted Video Redaction without Targeted Audio Redaction	1 minute per individual or object redacted	10 minutes per individual or object redacted

Estimating Redaction Costs:

Based on the results of the cost study, McCleary Police Records Personnel will calculate estimated redaction costs at the following rates:

Redaction Method	Estimated Cost Per Minute To Redact	Minutes to Redact Per Minute of Raw Footage	Estimated Cost of Redaction Per Minute of Raw Footage
Targeted Video Redaction with Targeted Audio Redaction	\$0.61 per individual or object redacted	10 minutes per individual or object redacted	\$6.10 per individual or object redacted

Reference RCW 42.56.240 (14) (f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law

8. Disclaimer of Liability:

Neither the City nor any officer, employee, official, or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as “shall,” nothing in this policy is intended to impose mandatory duties on the City beyond those imposed by state and federal law.

9. Exemptions:

The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. These exemptions are listed in Chapter 42.56 RCW, including the prohibition of disclosing lists of individuals for commercial purposes. In addition, documents are exempt from disclosure if any “other statute” exempts or prohibits disclosure. The following are exemptions, outside the Public Records Act, that restrict the availability of some documents held by the City of McCleary:

Washington State Statutes

RCW 2.64.111	Judicial conduct commission investigations of judges and initial proceedings
RCW 4.24.550	Information on sex offenders
RCW 4.24.601 and .611	Trade secrets and confidential research, development or commercial information re products or business methods
RCW 5.60.060	Privileged communications
RCW 5.60.070; RCW 7.07.070	Mediation records
RCW 7.68.140	Victims’ compensation claims
RCW 7.69A.030(4)	Name, address and photograph of child victim or child witness
RCW 7.69A.050	Child victims and witnesses of certain crimes – protection of address
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 9.02.100	Reproductive privacy
RCW 9.41.097(2)	Mental health information re persons buying pistols or applying for CPLs
RCW 9.41.129	Concealed pistol license applications
RCW 9.73.230	Name of confidential informants in written report on wire tapping
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 on disclosure of law enforcement dash cam videos until final disposition of litigation
RCW 9A.44.138	Offender registration information given to high school or institution of higher education re an employee or student
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 9.02.100	Reproductive privacy
RCW 9.41.097(2)	Mental health information re persons buying pistols or applying for CPLs
RCW 9.41.129	Concealed pistol license applications
RCW 9.73.230	Name of confidential informants in written report on wire tapping
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 on disclosure of law enforcement dash cam videos until final disposition of litigation
RCW 9A.44.138	Offender registration information given to high school or institution of higher education re an employee or student
RCW 9A.82.170	Financial institution records re criminal profiteering act
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 victims of sexual assault
RCW 10.77.205	Information re victims, next of kin, or witnesses requesting notice of release of person found not guilty of a sex, violent, or felony harassment offense by reason of criminal insanity and the notice itself
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, with some exceptions
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 10.97.130	Information about victims of sexual assault under age eighteen
RCW 10.101.020(3)	Information given by an accused regarding determination for indigent defense
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 offender records
RCW 13.50.100	Juvenile/children records not relating to offenses
RCW 13.60.020	Missing children or endangered person 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 19.215.020	Destruction of personal health and financial information
RCW 19.34.240(3)	Private digital signature keys
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 26.33.380	Adoption – identity of birth parents confidential
RCW 26.44.010	Privacy of reports on child abuse and neglect
RCW 26.44.031	Information related to reports of child abuse or neglect
RCW 26.44.125	Reports, reviews and hearings related to a review of abuse finding
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 29A.08.720	Voter registration records – place of registration and any decision not to register to vote confidential
RCW 29A.08.710	Voter registration records – certain information exempt
RCW 35.102.145	Municipal business and occupation tax – local ordinance can protect return or tax information
RCW 36.28A.060(8)	Tactical and intelligence information provided to WASPC
RCW 39.10.470(2)	Alternative public works - trade secrets or other proprietary information submitted by bidder in connection with an alternative public works transaction if data identified and reasons stated in writing
RCW 39.10.470(3)	Alternative public works – proposals submitted by design-build finalists until notification of highest scoring finalist is made

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	Non-disclosure of protected information (whistleblower)
RCW 43.43.762	Contents of statewide criminal street gang database
RCW 46.52.065	State toxicologist records relating to analyses of blood samples
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 – limited disclosure
RCW 48.62.101	Local government insurance/risk management liability reserve funds established to settle claims
RCW 50.13.060	Access to employment security records by local government agencies
RCW 50.13.100	Disclosure of confidential employment security records allowed if identifying information deleted or with consent
RCW 51.28.070	Worker’s compensation records confidential–limited disclosure
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 – confidential – limited disclosure
RCW 68.50.320	Dental identification records – available to law enforcement agencies
Ch. 70.02 RCW	Medical records – access and disclosure – entire chapter (information from HC providers)
RCW 70.05.170	Child mortality reviews by local health departments
RCW 70.24.022	Public health agency information 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 70.41.200	Hospital quality improvement committee records and accreditation reports
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 70.96A.150	Registration and other records of alcohol and drug abuse treatment programs

RCW 70.123.075	Client records of domestic violence programs
RCW 70.125.065	Records of community sexual assault program and underserved populations provider 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	Access to court records related to mental health cases under chapter 71.05 RCW
RCW 71.24.035(5)(g)	Mental health information system – state, county and regional support networks – confidentiality of client records
RCW 71.34.335	Mental health treatment of minors – records confidential
RCW 71A.14.070	Records regarding developmental disability– confidentiality
RCW 72.09.345	Notice to public about sex offenders – department of corrections access to information
RCW 72.09.585	Disclosure of inmate records to local agencies – confidentiality
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 74.13.075(5)	Juvenile’s status as a sexually aggressive youth and related info
RCW 74.13.280	Children in out-of-home placements – confidentiality
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 information	Disclosure of tax
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

Selected Federal Confidentiality Statutes and Rules

18 USC § 2721 - 2725	Driver and License Plate Information
20 USC § 1232g	Family Education Rights and Privacy Act
23 USC § 409	Evidence of certain accident reports
42 USC 290dd-2	Confidentiality of Substance Abuse Records

42 USC § 405(c)(2)(C)(viii) (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	Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
45CFR 160-164	HIPAA Privacy Rule
46CFR 40.321	USCG regulations regarding confidentiality