

EXHIBIT A PUBLIC RECORDS ACT POLICY

A. PURPOSE AND SCOPE

The City is required by the Public Records Act ("PRA" or the "Act"), Chapter 42.56 RCW, to adopt and enforce reasonable rules and regulations to provide public access to Public Records. This policy complies with the requirements of the PRA by providing for straight-forward, predictable practices for responding to and fulfilling requests for disclosure of Public Records in a manner consistent with the PRA.

This policy includes both statutory requirements and best practices. Except where these provisions are mandated by statute, any duties identified in this policy are discretionary and advisory only and shall not impose any affirmative duty on the City. The City reserves the right to apply, interpret, modify, or suspend this policy at any time.

This policy shall be available at City Hall, the Police Department and posted on the City's website.

B. POLICY

It is the policy of the City of Snoqualmie, (the "City") to release records of the City in compliance with the Public Records Act and any other applicable provisions of federal or state law.

1. Public Records Officer.

- a) Public Records Officer - The City Clerk shall serve as the Public Records Officer ("PRO"). All requests must be submitted to the PRO unless the PRO has delegated the request to a specific staff member.
- b) The Public Records Officer shall:
 - i) Be responsible for implementing the City's process regarding disclosure of Public Records;
 - ii) Serve as the principal contact point with any Requestor who has made a records request to the City, unless the PRO has delegated these responsibilities to a specific staff member;
 - iii) Coordinate City staff in this regard, generally ensuring the compliance of the staff with Public Records disclosure requirements;
 - iv) Make the final decision in cooperation with a legal advisor regarding disclosure and application of exemptions;
 - v) Maintain the agency's indices, if any;
 - vi) Maintain a log of Public Records requests; and
 - vii) Undergo training required of Public Records Officers by Washington State law. (RCW 42.56.152)

2. How to Make a Public Records Request

Individuals submitting PRA requests ("Requestors") should do so via the online form located at www.snoqualmiewa.gov or may contact the PRO via email at cityclerk@snoqualmiewa.gov, by phone at 425-888-8016, at City Hall located at

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38624 SE River Street, Snoqualmie, or via first class mail addressed to City Clerk, City of Snoqualmie, P.O. Box 987, Snoqualmie, WA 98065.

Individuals submitting PRA requests for police records should do so via the online form located at www.snoqualmiewa.gov or may contact the Snoqualmie Police Department via email at policerecords@snoqualmiewa.gov, 425-888-3333 x2, at the Police Department located at 34825 SE Douglas St., Snoqualmie, or via first class mail addressed to Police Records, City of Snoqualmie, P.O. Box 987, Snoqualmie, WA 98065.

All requests should include the following information:

- i) An indication that the request is being made for access to a Public Record pursuant to the PRA.
- ii) The Requestor's name, address, and convenient means of contact, such as email address, phone number, etc.
- iii) The date of the request.
- iv) A description of the Public Record requested that includes sufficient details to allow the City to identify responsive records.
- v) Whether the Requestor wants to inspect records or wants copies. If the Requestor wants copies, the Requestor should indicate if they want the copies mailed or if they want to pick them up.

Washington Courts have recognized that oral requests for Public Records can be problematic and therefore Requestors are strongly encouraged to make written requests using the online form. When a records request is made orally, the PRO shall document the request by creating a request and if an email address is provided, a confirmation will be sent to the Requestor via email. Any oral request must be made during regular business hours.

It is the Requestor's obligation to provide the City with fair notice that a PRA request has been made.

- a) **Identifiable Record.** A Requestor must request an "identifiable record" before the City must respond to it. An "identifiable record" is one that is existing at the time of the request and which City staff can reasonably locate. The Act does not require the City to guess what records are being requested or allow a Requestor to make "future" or "standing" (ongoing) requests for records not in existence. The City is not obligated to hold requests open for records that may be created in the future. If a public record is created after a request is received by the City, it is not responsive to the request and will not be provided. A new request must be made to obtain later created public records.

A request for all or substantially "ALL records" is not a valid request for identifiable records. The City is not required to answer questions about records, City business or City actions, or conduct research for a Requestor.

- b) **Clarification.** When receiving a request that appears to be broad in nature, the Public Records Officer may request clarification from the Requestor to ensure that the appropriate records are identified and to determine if the request can be narrowed. Clarification shall focus on information needed to identify responsive records.

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If the Requestor is unable or unwilling to help narrow the scope of the documents being sought, the City may err on the side of producing more rather than fewer documents. City staff shall not be obligated to decipher which specific documents may be of interest to the Requestor and the Act does not allow a Requestor to search through the City's files for records which cannot be identified or described to the City.

As part of the clarification process, the PRO may work with the Requestor to find ways to narrow the request. When a Requestor agrees to narrow a request, nothing prevents the Requestor from later expanding the request back to its original scope.

If a Requestor does not provide clarification within thirty (30) days and the entire request is unclear, the City may deem the request abandoned and closed. The City will respond to those portions of the request that, in the determination of the PRO, are clear.

- c) **Requests for List of Names.** The PRA prohibits the City from producing a list of names to a Requestor who intends to use the list for commercial purposes. When a Requestor requests a list of names, the Requestor must explain the intended use of the list and will be asked to sign a declaration providing that the list will not be used for commercial purposes. The PRO must conduct research to confirm that the request is not for commercial purposes.
- d) **Bot Requests.** The City may deny a Bot Request that is one of multiple requests from the Requestor to the City within a twenty-four (24) hour period if it is established that responding to the request would cause excessive interference with other essential functions. "Bot request" means a request for Public Records that an agency reasonably believes was automatically generated by a computer program or script.
- e) **Creating Records.** The PRA only applies to records that exist at the time of the request. The PRA does not apply to requests for information or require the City to create a new record.

A request for information, contained in electronic databases, may be considered a request for records, if the information can be *reasonably* extracted to produce a record that is fully or partially responsive to the request. However, as stated above, the city is not required under the PRA to create new records to fulfill a request.

3. Response to Request

- a) **Initial Five-Day Response.** Within five (5) business days of receiving a Public Records Request, the City shall acknowledge receipt of the request and take one or more of the following actions:
 - i) Provide the records or provide notice that the records are available for inspection. If the record requested is available on the City's website, the response may include a specific link to the document;
 - ii) Seek clarification or refinement of the request if needed to identify the record requested and provide to the greatest extent possible a reasonable estimate of the time the agency will require to respond to the request if the request is not clarified.
 - iii) Indicate that the City does not have any responsive records;

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- iv) Indicate that any responsive records are exempt from disclosure and provide an exemption log of the withheld records; or
- v) Provide a reasonable estimate of when the request can be fulfilled. For large requests that will be filled in installments, the response will also indicate when the first installment will be made. When providing a reasonable estimate of time required to fulfill a Public Records request, the PRO may take into account the time required to refine or clarify a request, locate or retrieve requested records, redact or withhold exempt records and create associated documentation, consult with appropriate staff or legal advisor regarding potential exemptions, and notify third parties or other agencies of requests for records of a sensitive nature consistent with the provisions of RCW 42.56.540.
- vi) Deny the request, if authorized by the PRA.

Should an extension of time be necessary to fulfill the request, the Public Records Officer will provide a revised estimate and explain any changed circumstances related to the extension.

Note that in calculating five (5) business days, the following are not counted:
The day the agency receives the request, Saturdays, Sundays, and holidays.

- b) **Installments.** The City may elect to provide records on an installment basis. If a Requestor does not review, claim, or pay for the records requested within the allotted timeframe, the City may deem the request abandoned and closed.
- c) **Multiple Requests by the Same Party.** In order to provide the fullest assistance to all requesters; to prevent damage to or disorganization of City records or excessive interference with other essential City functions; or to assure that the appropriate amount of City time and resources will be fairly allocated among all requests and requesters, the Public Records Officer will queue multiple, open requests from the same individual in the order they are received. Staff is not required to work on additional requests until the initial request is completed and closed. However, staff may choose to fulfill the additional requests if fulfilling them would not be unduly burdensome. The Public Records Officer may ask a requester to prioritize requests. If the requester chooses not to prioritize the Public Records Officer will provide records in the order determined by him/her or his/her designee.
- d) **Notice to Third Parties.** If records being sought contain personal information of an individual or organization, the City may notify that individual or organization to allow third parties 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. Nothing in this policy is intended to create any right to such notice.

If a request seeks information located exclusively in an employee's personnel, payroll, supervisor, or training file, the City must provide notice to the employee, to any union representing the employee, and to the Requestor. The notice must state:

- i) The date of the request;
- ii) The nature of the requested record relating to the employee;
- iii) Copies of the requested record(s).

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- iv) That the City will release any information in the record not exempt from disclosure at least fourteen days from the date the notice is made; and
 - v) That the employee may seek to enjoin release of the records under RCW 42.56.540.
- e) **Later Discovered Documents.** If, after the PRO has informed the Requestor that they have provided all available records, the PRO becomes aware of additional responsive documents existing at the time of the request that had not been provided previously, they will promptly inform the Requestor of the additional documents and provide them on an expedited basis.
- f) **Log.** The City shall maintain a log, or run a report if applicable, of all requests maintained. This log shall be maintained pursuant to the State Retention Schedules.
- g) **Prevention of excessive interference with essential government functions.** To prevent excessive interference with other essential functions of the City, and to allow the Public Records Officer and other designated City staff members the ability to perform their other assigned duties, the Public Records Officer will spend a maximum of 16 hours per month responding to public records requests. Each department designated staff member assisting the Public Records Officer will spend a maximum of 8 hours per month responding to or assisting with responses to public records requests.

4. City Actions After a Request is Received

- a) **Order of Response.** Fulfillment of requests shall be processed in the order that they are received. Requests may be fulfilled out of order at the discretion of the Public Records Officer.
- b) **Locating Responsive Records.** After receiving a request, the PRO shall identify locations and City Departments where records are likely to be located. The PRO will then notify the appropriate department staff of the request and inform them of the need to search for potentially responsive records. The PRO will then coordinate with the department staff to respond to the request, as needed.

City staff and officials, if applicable, will be prompt in searching for responsive records and providing them to the PRO in accordance with the timeline established by the PRO and providing documentation of their search efforts. If staff or officials are using home computers, personal devices, or personal accounts to conduct City business, those devices and accounts also need to be searched by the staff member or official for potentially responsive records. If the City's contractors performing City work have responsive public records as a consequence of a contract, they should also be notified of the records request. If staff or officials cannot provide the records by the date established by the PRO, they must inform the PRO of a reasonable estimate of how long it will take to provide the records.

In the case of a broad request where the Requestor is unable or unwilling to help narrow the scope of the documents being sought, the PRO may provide all documents located and the search terms used to reasonably locate those documents.

- c) **Identifying Potentially Exempt Records.** The PRO is responsible for identifying records that

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are potentially exempt or contain potentially exempt information for all departments. The PRO or department designee may work with a legal advisor to determine if any exemption applies.

- d) **Failure to Respond.** If the City does not respond in writing within five business days of receipt of the request, the Requestor should consider contacting the PRO to determine whether the request has been received by the City.

5. Exemptions

- a) **Exemptions.** The PRA and other statutes exempt from or prohibit disclosure of certain Public Records. Requested records may only be withheld or redacted consistent with the law, which shall be documented for the Requestor in accordance with the requirements of RCW 42.56.210.

Some Public Records that are otherwise subject to disclosure may contain specific content that is exempt from disclosure. The presence of exempt information does not necessarily exempt an entire record from disclosure. Exempt portions of an otherwise disclosable record shall be redacted prior to inspection or copying, and such redactions shall be documented. The Requestor shall be notified of the redaction in accordance with the requirements of RCW 42.56.210.

Nothing in this policy shall be construed as authorizing the copying of any other document exempt by federal or state law. Police records are subject to RCW 10.97, RCW 42.56, RCW 13.50, RCW 68.50, and RCW 70.48

The Code Reviser's Office annually provides the State Sunshine Committee with a list of public disclosure exemptions contained in the Revised Code of Washington. This list (as may be later amended) is incorporated into this policy as Appendix A. However, the City's failure to list an exemption shall not affect the efficacy of any exemption.

- b) **Withholding Logs and Redaction Logs.** When records are withheld or redacted, the Requestor shall be informed in writing of the statutory citation for the exemption and a brief explanation of the applicable exemption. For withheld records, the City will also provide basic identifying information for each withheld record including the type of record, the date the record was created, the author, and recipients, if any.

6. Inspection.

Records that have not been digitized are not required to be digitized under the PRA. In the event responsive records are located and are not in electronic format, the following shall apply:

- a) **Notice.** Once the PRO has collected all responsive records (or the first installment if the records are being produced on an installment basis), has reviewed the responsive records to remove exempt records and has prepared an exemption log, the PRO shall notify the Requestor that the records are available. Inspection of records shall be by appointment only with the PRO or designee.
- b) **Response by Requestor.** If the Requestor does not contact the PRO to arrange for inspection of one or more of the installments of records within thirty (30) days after the date

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of the notice, the PRO or designee shall stop searching for the remaining records, consider the request abandoned, and close the request. At the PRO's discretion, the thirty (30) period may be extended upon Requestor's request.

- c) Protection of Records. In order for Public Records to be protected from damage or disorganization as required by the Act, the following procedures and practices are hereby instituted:
 - i) No Public Records shall be removed from City Hall without the PRO's permission;
 - ii) Inspection of any Public Records shall be conducted in the presence of the PRO or designee;
 - iii) No Public Record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public;
 - iv) Public Records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by City staff; and
 - v) Public Records of the City may be copied only on the copying machines of the City unless other arrangements are made by the PRO.
- d) Loss of Right to Inspect. Inspection shall be denied and the records withdrawn by the PRO if the Requestor, when reviewing records, acts in a manner which will damage or substantially disorganize the records, harasses, or intimidates the PRO or designee, or interferes excessively with other essential functions of the City.
- e) Requestors are urged to take timely action to prevent their requests from lapsing into an abandoned status.

7. Copies of Electronic Records. Records available in electronic format that do not require redaction may be provided in native format. Electronic records that require redaction usually cannot be produced in a native format and will be converted to paper or PDF. When requested and deemed feasible, electronic records may be converted from one format to another provided such conversion is not unduly burdensome.

8. Fee Schedule

- a) Fees shall be charged according to the fee schedule in Exhibit C. Payment of fees is required prior to release of records. If requested by a Requestor, the PRO shall provide a summary of the applicable charges before any copies are made. The Requestor may amend their public records request to reduce the applicable charges.
- b) No fee is charged for locating records, inspecting records in person, or for accessing records made available on the City's website. However, fees may apply for preparing electronic files to paper for inspection. Any fees due will be paid prior to inspection.
- c) The City declares it would be unduly burdensome to calculate the actual costs of providing copies of certain public records, due to variations in copy charges for leased copiers and variations in staff time for manual copying and mailing or uploading or electronically transmitting responsive records. Therefore, except as otherwise indicated, the fee schedule below incorporates the standard fees prescribed in RCW 42.56.120(2)(b) for

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providing public records other than outsourced copies or copies of large-format plans and maps.

- d) **Customized Service Charge.** Customized Access is a matter of law as noted in RCW 42.56.120. The City may assess a customized service charge for exceptionally large records requests that require staff and resources beyond what is normally available to the agency. The fee is in addition to the authorized copying costs and may include reimbursement for the actual costs of providing the records. A customized service charge is warranted if:
- i. Fulfilling the request requires extensive use of information technology resources to identify, locate, format, or translate a record, or provide electronic access services;
or
 - ii. The request requires specialized analytical, research, or supervisory assistance to identify, locate, compile, or transfer the records.

This policy does not apply to records sought under the rules of discovery in the course of litigation. If a requestor is seeking records under discovery, they need to specify this in their request. All records requests made under this policy, regardless of intended use are subject to RCW 42.56 (including the exemptions allowed under the Act).

- e) **Deposit.** The City may require a deposit up to 10% of the estimated costs. When records are being produced on an installment basis, the City may charge for each installment. The decision not to request a deposit shall not serve to waive the City's right to request a deposit for future requests. If a deposit or installment is not paid for within ten (10) days of having been notified, or if the Requestor has not contacted the PRO within this period to make arrangements to pay for the records outside of this ten (10) day period, the City is not obligated to fulfill the balance of the records request and the request may be closed.

9. **Closing the File.** Once all copies of requested records have been provided to the Requestor; the Requestor has inspected the requested records, or thirty (30) days have passed since the Requestor was notified that the records were available and the Requestor has failed to review the records; or the Requestor has failed to pay for the records within the ten (10) days period since the Requestor was notified of the charge, the PRO shall close the request. Upon closing the request, the PRO will provide a closing notice stating the scope of the request and memorializing the outcome of the request.

10. **Administrative Review of Denial.** A Requestor may ask for review of a decision to withhold or redact exempt records by submitting a written petition to the PRO that includes a copy of the redaction or exemption log or detailed description of the City's statement of withholding. The request for review and any relevant information shall be forwarded immediately to the City Attorney or designee, who shall consider the petition and either reverse or affirm the denial within two days of the City's receipt of the petition.

The City and the Requestor may mutually agree to a longer period of time for consideration of a petition for review. If the withholding or redaction is affirmed, the decision shall be considered the City's final action for the purposes of judicial review. If the decision to withhold or redact is reversed, the PRO shall proceed to make the subject records available to the Requestor for inspection in accordance with the provisions of this policy and procedure.

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11. Index of Public Records. For the reasons stated in SMC Chapter 2.50, the City finds that it would be unduly burdensome and would interfere with City operations to maintain an index of records.

12. Retention of Records. The City is not required to retain all records it creates or uses. The Washington State Archivist has developed retention schedules for local government records including e-mail and electronic records. Records of the City shall be retained and destroyed consistent with the retention schedules, which varies depending on the content of the record. If a public records request is made at a time when a record exists, but is scheduled for destruction in the near future, the person with possession and control of the record shall retain the record until the request is resolved.

Backup copies of public records performed by information technology personnel are not a substitute for records retention. Retention is the responsibility of the sender of the record, not the backup process. Backups are for disaster recovery only and files are not individually indexed/identifiable. To avoid interference with essential government operations, and to preserve organization of government records, backup tapes will not be examined in response to a public records request.

The City is not required to retain records longer than the minimum length of time prescribed by law. In order to not artificially extend the retention period of records and/or cause disorganization of the City's records, copies of records compiled for abandoned requests will not be retained. Therefore, records compiled for abandoned requests may not be available for later submittals.

13. 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.

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Insert Appendix A