

**POULSBO DISTRIBUTION SCHEDULE**

**RESOLUTION NO. 2017-14**

**SUBJECT: Public Records Act Policy**

**CONFORM AS TO DATES & SIGNATURES**

- Filed with the City Clerk: 10/26/2017
- Passed by the City Council: 11/1/2017
- Signature of Mayor
- Signature of City Clerk
- Publication: \_\_\_\_\_
- Effective: \_\_\_\_\_

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Rhiannon Fernandez  
City Clerk

7/20/2017  
Date

**RESOLUTION NO. 2017-14**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
POULSBO, WASHINGTON, ADOPTING THE CITY OF POULSBO  
PUBLIC RECORDS ACT POLICY DATED NOVEMBER 1, 2017

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**WHEREAS**, the Washington State Legislature passed two bills (HB 1594 and HB 1595) in the 2017 regular session amending certain provisions the Public Records Act, Chapter 42.56 RCW, effective July 23, 2017; and

**WHEREAS**, the City of Poulsbo desires to update its Public Records Act Policy to comply with the recent amendments to the Public Records Act,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, RESOLVES AS FOLLOWS:**

**Section 1. Public Records Act Policy Adopted.** The City Council of the City of Poulsbo hereby adopts the amended City of Poulsbo Public Records Act Policy attached as Exhibit A to this Resolution.

**Section 2. Previous Versions Superseded.** Any previous versions of the City of Poulsbo Public Records Act Policy, whether or not adopted by the City Council, are hereby superseded.

**Section 3. Effective Date.** This resolution shall take effect upon passage by the City Council.

RESOLVED by the City Council and APPROVED by the Mayor this 1st day of November, 2017.

APPROVED:



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REBECCA ERICKSON, MAYOR

ATTEST/AUTHENTICATED:



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RHIANNON FERNANDEZ, CITY CLERK

FILED WITH THE CITY CLERK: 10/26/17  
PASSED BY THE CITY COUNCIL: 11/1/17  
RESOLUTION NO. 2017-14

**EXHIBIT A:**  
**City of Poulsbo Public Records Act Policy**

# City of Poulsbo Public Records Act Policy

Adopted by Resolution No. 2017-14 of the Poulsbo City Council, November 1, 2017

The City is required by Chapter 42.56 RCW (the Public Records Act) to adopt and enforce reasonable rules and regulations to provide full access to public records. This policy and procedure complies with the requirements of the Public Records Act by providing for consistent and predictable practices for responding to and fulfilling requests for public records in a manner consistent with the Act.

This policy clarifies the City's goals and intent with respect to providing access to public records and describes the process for requesting and fulfilling public records requests in keeping with legal requirements.

These policies include statutory requirements and best practices. Nothing in this policy is intended to create legal obligations or rights beyond those obligations and rights created by statute or other binding laws.

## Section 1. Definitions

For this policy, the following definitions apply:

- a. **"All records relating to,"** "all records regarding," or "all records pertaining to" means those records that directly and fairly address the topics that are reasonably identifiable by the Records Coordinator fulfilling the request. These phrases are inherently ambiguous and requestors are encouraged to avoid using such terms when possible to avoid unnecessary delays.
- b. **"City"** means the City of Poulsbo, Washington. The City of Poulsbo is a Washington municipal corporation that provides a full range of municipal services allowed by statute. These services include police, street maintenance, building and engineering, planning and zoning, parks and recreation, municipal court, cemetery, and general administrative services. In addition to its general government services, the City operates three enterprises: water and sewer utility, solid waste utility, and stormwater utility.
- c. **"Counter document"** means a frequently requested document retained by the City or its departments that is easily accessible, requires no coordination among departments, and are known to be public information, e.g., copies of current department brochures, zoning maps, etc.

- d. **“Court records request”** means any request for Poulsbo Municipal Court records. Poulsbo Municipal Court records are exempt from the Public Records Act and are subject to release directly through the Poulsbo Municipal Court under General Rule 31.1.
- e. **“Exempt record”** means records or portions of records that are exempt from public disclosure. Exemptions include those identified in the Public Records Act or in other statutes incorporated by RCW 42.56.070. Exemption from disclosure of a portion of a record does not automatically exempt the remainder of the record from disclosure. Exempt portions of records may be subject to redaction.
- f. **“Identifiable record”** means a record that is in existence at the time the records request is made and that City staff can locate after an objectively reasonable search. An “identifiable record” is not a request for “information” in general. For example, asking “what policies” the City has for handling discrimination complaints is merely a request for “information.” On the other hand, a request to inspect or copy the City’s policies and procedures for handling discrimination complaints would be a request for an “identifiable record.”
- g. **“Public record”** means 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 any state or local agency regardless of physical form or characteristics. Electronic data, including email, that meet this definition shall be considered a public record. Records created or received by employees using non-city devices meet the definition of public record if the employee was acting within the scope of employment when the record was created or received. This definition does not include records that are not otherwise required to be retained by the agency and are held by volunteers who:
1. Do not serve in an administrative capacity;
  2. Have not been appointed by the agency to an agency board, commission, or internship; and
  3. Do not have a supervisory role or delegated agency authority.
- h. **“Public records request”** means a request made to the City of Poulsbo pursuant to the Public Records Act for disclosure of public records. Requests for public records made pursuant to other statutory rights of access to public records shall not be considered “public records requests,” but may be otherwise handled under this policy.
- i. **“Public Records Officer”** is the central point of contact for public records requests in the City of Poulsbo, as required under RCW 42.56.580. For general city records, the Public

Records Officer is the City Clerk. For records from the Police Department, the Public Records Officer is the Police Support Services Manager.

- j. **“Public Records Coordinator”** and **“Records Coordinator”** means the person or persons designated by a department director or designee to accept and arrange for fulfillment of requests for disclosure of public records within a City department.
- k. **“Requestor”** means the individual making the request for public records by submitting an official public records request.

## **Section 2. Public Records Officer**

Any person wishing to request access to public records or seeking assistance in making a request should contact the City’s Public Records Officer. The City Clerk has been designated by the City Council as the City’s Public Records Officer for all city records, except those maintained by the Pouslbo Police Department. The Police Support Services Manager shall serve as the Public Records Officer for all records maintained by the Pouslbo Police Department.

The Public Records Officer will oversee compliance with the Public Records Act, but will designate other City staff members as Records Coordinators, who may process requests for public records. The Public Records Officer or his or her designee(s) will provide the fullest assistance to requestors, ensure that public records are protected from damage or disorganization, and prevent fulfilling public records requests from causing excessive interference with the essential functions of the City.

The Public Records Officer shall maintain a list of department Records Coordinators who are designated to accept and fulfill requests for disclosure of public records on a regular basis, and shall provide advice and instruction to Records Coordinators and other staff members regarding fulfillment of such requests.

The Public Records Officer shall distribute updates on laws, legal precedents, and policy changes affecting fulfillment of records requests, as appropriate, and shall approve all forms for requesting and responding to requests of public records.

- a. **Public Records Coordinators.** There shall be a network of Records Coordinators with representatives in every department of the City to assist the public in obtaining access to public records. Each department director shall designate at least one Records Coordinator. Each department will inform the Public Records Officer of all Records Coordinators. Under the oversight of the Public Records Officer, Records Coordinators may accept requests for public records in the possession of their respective departments and may respond to requestors in accordance with the requirements of state statutes and this policy and procedure.

In consultation with the Public Records Officer, Record Coordinators may communicate directly with requestors, compile requested records, and arrange for the supervised public inspection and copying of requested records.

- b. **Internet access to records.** Many records are also available on the City of Poulsbo's website at: [www.cityofpoulsbo.com](http://www.cityofpoulsbo.com). Previous responses to records requests are available through the City's open public records portal at <https://poulsbo.nextrequest.com/>. Requestors are encouraged to view the documents available on the website prior to submitting a public records request.

### **Section 3. Availability of Public Records**

- a. **Hours for inspection.** Public records are available for inspection and copying during the City's customary office hours: Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding legal holidays. City staff and the requestor may make mutually agreeable arrangements for times of inspection and copying; however, the City shall have final say regarding hours for inspection.
- b. **Place of inspection.** Records will be made available for inspection as determined by the Public Records Officer or Public Records Coordinators. A requestor shall not take City records from City offices without the permission of the Public Records Officer.
- c. **Electronic access to records.** A variety of records are available on the City's website at: [www.cityofpoulsbo.com](http://www.cityofpoulsbo.com). To the extent practical, the City will store, maintain, and make its records available electronically. The City maintains an open public records portal at <https://poulsbo.nextrequest.com/> and will respond to most requests through the portal for those seeking responsive records in electronic format. The open public records portal is the functional equivalent of an FTP site and allows the City to share public records request responses more broadly with the public. The City may provide access to public records by providing links to the website containing an electronic copy of the record. All electronic responses are subject to fees as established by this policy and the fee schedule available at the City Clerk's Public Records Requests webpage.
- d. **Records index.** The City has determined that maintaining a central index of City records is unduly burdensome, costly, and would interfere with City operations due to the number and complexity of records generated as a result of the wide range of City activities. See PMC 2.98.020. The City Clerk may, however, index and maintain general administrative records. Other records that relate to the specific function or responsibility of a particular department shall be maintained in the offices of the particular department.

- e. **Organization of records.** Records that relate to the specific function or responsibility of a particular department shall be maintained in the office of 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.
- f. **Retention of records.** The City will retain its records in accordance with retention schedules available at [www.secstate.wa.gov](http://www.secstate.wa.gov) (Retention schedules vary based on the content of the record). Public records may not be destroyed per a retention schedule if a public records request or actual or anticipated litigation is pending.

#### **Section 4. Making a Request for Public Records**

- a. **Where to Make a Request.** Requests to inspect or copy City records should be made to the Public Records Officer at:

*Public Records Officer*

City Clerk Telephone: 360-394-9880  
City of Poulsbo Fax: 360-779-5112  
200 NE Moe Street, Email: [cityclerks@cityofpoulsbo.com](mailto:cityclerks@cityofpoulsbo.com)  
Poulsbo WA 98370

*Poulsbo Police Department Public Records Officer*

Support Services Manager Telephone: 360-779-3113  
City of Poulsbo Fax: 360-779-4433  
200 NE Moe Street, Email: [police-records@cityofpoulsbo.com](mailto:police-records@cityofpoulsbo.com)  
Poulsbo WA 98370

Municipal Court records are not considered public records under the Public Records Act. Accordingly, requestors seeking municipal court records should be directed to the municipal court clerk's office. Municipal courts have their own rules relating to access to court records.

- b. **Internet access to records.** Many records are also available on the City of Poulsbo's website at: [www.cityofpoulsbo.com](http://www.cityofpoulsbo.com). Previous responses to records request are available through the City's open public records portal at <https://poulsbowa.nextrequest.com>. Requestors are encouraged to 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 valid public records request. It is the requestor's obligation to provide the City with fair notice that a Public Records Act request has been made. When a requestor does not use an official request form, or makes a request to an employee who is not a Records Coordinator or the Public Records Officer, or includes a request as part of other documents provided to the City for

reasons other than making a Public Records Act request, the requestor may not be providing fair notice to the City. To ensure fair notice is provided, requestors are encouraged to use official forms, make the request through the Clerk's office, and/or take other steps to clearly identify their request. For example, when a request is submitted with other documents not related to disclosure of public records, it shall be the responsibility of the requestor to provide reasonable notice that a public records request is included. This notice may be in the form of an entry on a cover or transmittal sheet.

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

- Through the open public records portal at <https://poulsbowa.nextrequest.com>;
- On the provided request form (available online at [www.cityofpoulsbo.com](http://www.cityofpoulsbo.com));
- By letter, fax, or e-mail addressed to the Public Records Officer; or
- In person at City Hall.

The following information should be included in the request:

- Name and address of requestor;
  - Other contact information, including telephone number and email address;
  - Identification of the requested records adequate for the Public Records Officer to locate the records; and
  - The date and time of day of the request.
- d. **Oral requests.** The Public Records Officer may accept requests for public records that contain the above information by telephone or in person. If an oral request is made, the Public Records Officer will transcribe the request along with the requestor's contact information so that the City can respond. If possible, the Public Records Officer should have the requestor read the transcription, then write and sign a note on the transcription confirming that it accurately captures the intent of the request.
- e. **Receipt by staff.** Records requests may be accepted by any department staff person under the general direction of the Public Records Officer. Such requests shall be receipt stamped or dated on the face of the request and forwarded to the Public Records Officer. If the staff person does not have the immediate capability to forward the request to the Public Records Officer, the staff member shall inform and provide the supervisor or Records Coordinator with the request for immediate transmittal to the Public Records Officer.

Until the Public Records Officer provides confirmation, the request is the responsibility of the department supervisor or Records Coordinator.

- f. **Copies.** 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 make a deposit or pay for the copies, as further discussed in Section 10 below.
- g. **Counter documents.** The City or its departments may directly respond to requests for counter documents by immediately producing the record, without the need to formalize the records requests.
- h. **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 Public Records Officer may inquire about the nature or scope of the request. If the request is for a list of individuals, the Public Records Officer may ask the requestor if he/she intends to use the records for a commercial purpose. The City is not authorized to provide lists of individuals for commercial purposes. The Public Records Officer may also seek sufficient information to determine if another statute may prohibit disclosure.
- i. **Overbroad requests.** Public records requests must be for identifiable records. A request for all or substantially all records prepared, owned, used or retained by the City is not a valid request for identifiable records, though a request for all records regarding a particular topic or keyword is. The City may not deny a request for identifiable public records solely because the request is broad, but the City may seek clarification, ask the requestor to prioritize the request so that the most important records are provided first, and/or communicate with the requestor to limit the size and complexity of the request. When a request uses an inexact phrase such as “all records relating to,” the Public Records Officer may interpret the request to be for records which directly and fairly address the topic. When the requestor has found the records he or she is seeking, the requestor should advise the Public Records Officer that the requested records have been provided and the remainder of the request may be cancelled.
- j. **Existing Records.** Records requests may only encompass existing records. They cannot be used to obtain copies of records not yet in existence or in the possession of the City.
- k. **Bot Requests.** If the City receives multiple requests from the same requestor within a 24-hour period and reasonably believes these to be “bot” requests (i.e., automatically generated requests from a computer program or script), the City may deny all but one of the requests if the Public Records Officer reasonably believes that responding to all requests would excessively interfere with essential office functions.

## Section 5. Processing Public Records Requests

- a. **Providing “fullest assistance.”** These rules and related policies and procedures identify how the City 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. All assistance necessary to help requestors locate responsive records shall be provided by the Public Records Officer, provided that the giving of such assistance does not unreasonably disrupt the daily operations of the City Clerk or other duties of any assisting employee(s) in other City departments.
- b. **Coordination with Police Public Records Officer and Records Coordinators.** If the Poulsbo Police Department Public Records Officer receives a request for documents that involve other city departments, the Police Public Records Officer shall coordinate responding to and processing the request with the City Clerk. Likewise, if the City Clerk or any other city employee receives a request for documents that involve police records, the City Clerk or employee shall coordinate responding to and processing the request with the Poulsbo Police Department Public Records Officer. Requests that encompass both Police Department records and records in other departments shall be treated as separate requests.
- c. **Order for processing requests.** The Public Records Officer will process requests in the order allowing the most requests to be processed in the most efficient manner. When the same requestor simultaneously submits multiple, separate requests or makes one or more additional requests when previous requests are open, staff may queue the requests in order in which they were received. Staff is not required to work on an additional request until the initial requests are completed and closed. Requestors are responsible for informing the Public Records Officer if they want to reprioritize the fulfillment of their requests.
- d. **Records Request Log.** Under RCW 40.14.0001(4), the City must maintain a log of all public records act requests, which must contain: the requestor’s name; (2) the date of the request; (3) the text of the original request; (4) a description of records redacted or withheld and the reason for redacting/withholding; and (5) the date of the final disposition of the requests. The log is itself a public record, and must be retained in accordance with the relevant retention schedule. If, in a given year, the City spends more than \$100,000 (including actual staff and legal costs) on public records requests in a fiscal year, the City must maintain more detailed log information during the following fiscal year, in accordance with RCW 40.14.0001(5).

- e. **Acknowledging receipt and fulfilling requests.** Within five business days of receipt of the request, the Public Records Officer will:
1. Make the record available for inspection or copying, or, if adequate payments or arrangements for payment are made, by providing the requestor with a copy of the request;
  2. Providing an internet address and link on the City's website to the specific records requested, except that if the requester notifies the agency that he or she cannot access the records through the internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer;
  3. Acknowledge receipt of the request and provide a reasonable estimate of the time the City will require to respond to the request;
  4. If the request is unclear, acknowledge receipt of the request and ask the requestor to clarify the request and provide, to the greatest extent possible, a reasonable estimate of the time the City will require to respond to the request if it is not clarified; or
  5. Deny the request with a brief explanation of the basis for denial.
- f. **Additional Time.** Additional time needed to respond to the request may be based on the need to clarify the scope of the request, locate and assemble the records, redact confidential information, prepare a withholding index, notify third parties or agencies affected by the request and/or consult with the City Attorney about whether the records are exempt from disclosure. The Public Records Officer should briefly explain the basis for the time estimated to respond. Should an extension of time be necessary to fulfill the request, the Public Records Officer will provide a revised estimate and explain the changed circumstances that make it necessary.
- g. **Notification that records are available.** If the requestor has sought to inspect the records, the Public Records Officer 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, the Public Records Officer should notify him or her of the projected costs and whether a deposit is required before making the copies.
- h. **Installments.** If appropriate, records requests may be fulfilled in partial installments to provide the fullest assistance to requestors. Installments are subject to the same deadlines for claiming and inspecting records described in this section. If an installment is not claimed, or if arrangements for inspection of an installment are not made prior to 30 calendar days from notification of availability, the City may discontinue compiling

subsequent installments of the same disclosure request. The Public Records Officer may attempt to contact the requestor prior to deeming an installment request abandoned, but is not required to make such contact when a requestor has been previously warned of this consequence.

- i. **Consequences of City's 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 consider contacting the Public Records Officer to determine the reason for failure to respond.
- j. **Consequences of failure to clarify a request.** If an entire request is unclear, and if the requestor does not respond to the City's request for clarification within 30 days of the City's request, the Public Records Officer may consider the request abandoned, send a letter closing the response to the requestor, and re-file the records. If only portions of a request are unclear and a requestor fails to respond to a request for clarification, the City must respond to the parts of the request that are clear.
- k. **Consequences of disclosing a record in error.** The City and its officials or employees are not liable for loss or damage based on release of a public record if the City, official, or employee acted in good faith in attempting to comply with the Public Records Act.
- l. **Searching for records.** Staff shall make a reasonable effort to identify and locate any and all responsive records. When identifying records, the Records Coordinator or Public Records Officer may ask the requestor for clarification or refinement of the request. Such clarifications may be verbal or in writing. In the case of verbal clarification, staff involved in the conversation shall document the clarification in writing and include the information in the request file. Staff shall not conclude that a request does not adequately identify the records requested without attempting to obtain clarification from the requestor.

Records Coordinators and staff are not required to create new records in response to a request for public records, but may, when a Records Coordinator deems feasible, tailor existing informational databases or indexes to provide a report responsive to a request that otherwise would not be produced in the normal course of business. The determination of the feasibility of creating such reports shall take into account the ability to redact or withhold exempt information. When the production of a tailored report requires additional resources such as customized programming or fact-specific analysis, or would otherwise interfere with other essential functions, the City will not produce such tailored reports but should instead consult with the requestor.

The City is only required to provide records that exist at the time a request is made. The City cannot fulfill "standing" requests or requests for records that may be created at a future date.

Fulfillment of requests shall be processed in the order that provides the timeliest response. Requests may be fulfilled in the order of receipt as long as easily fulfilled requests are not postponed behind larger or more complicated requests strictly because they were received later.

- m. **Preserving requested records.** If a requested record is responsive to an active request and 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. Once a request has been closed, the Public Records Officer can destroy the record in accordance with the retention schedule.
- n. **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part (see Section 7). If the City believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of the record is determined to be exempt, the Public Records Officer will redact the exempt portions and provide the non-exempt portions.
- o. **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 Public Records Officer may give notice to those whose rights may be affected by the disclosure. Generally, two weeks' notice will be given 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.
- p. **Redactions.** If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted. For example, the Public Records Officer shall redact identifying details such as social security numbers, when he or she makes available or publishes any public record. In each case, the justification for the deletion shall be explained in writing.
- q. **Inspection of records.** To the extent possible due to other demands, the Public Records Officer shall promptly provide space to inspect public records. The requestor must claim or review the assembled records within thirty days of the Public Records Officer's notification that the records are available for inspection or copying. The Public Records Officer will notify the requestor in writing of this requirement and suggest that he or she 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 Public Records Officer may close

the request and re-file the assembled records. Other public records requests can be processed before a subsequent request by the same person for the same or almost identical records, which will be processed as a new request. 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. Members of the public may not remove documents from the viewing area or disassemble or alter any document.

- r. **Providing copies of records.** The requestor shall indicate which documents he or she wishes to have copied using a mutually agreed upon non-permanent method of marking the desired records. After inspection is complete, the Public Records Officer will arrange for copying. Making a copy of an electronic record is considered copying and not creation of a new record.
- s. **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer will indicate that the City has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
- t. **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, the Public Records Officer will close the request and indicate to the requestor that the City has closed the request. The Public Records Officer will document closure of the request and the conditions that led to closure.
- u. **Later-discovered documents.** If, after the Public Records Officer 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 Public Records Officer will promptly inform the requestor of the additional documents and provide them on an expedited basis.
- v. **Requests for information.** Requests for information are not public records requests. An agency is not required to conduct research for a requestor.
- w. **Requestor responsibility.** Requestors shall arrange to inspect records or claim copies of requested records within 30 calendar days following notification by the City that responsive records are available for inspection or copying. The 30 calendar days begins on the business day immediately following the City's notice that the records are available and includes weekends and City holidays. The Public Records Officer may extend this time period as appropriate to ensure fullest assistance to requestors. Requestors must respond to requests for clarification within 30 calendar days of being contacted or a request will be deemed abandoned and closed.

If a requestor fails to claim or arrange for inspection of requested records after the expiration of the 30 calendar days, the request shall be deemed abandoned and closed.

## **Section 6. Processing Requests for Electronic Records**

When a request is made for records in electronic format, the City should provide the documents in electronic format if reasonably and technically feasible. The preservation of electronic records requirements are outlined in WAC 434-662. An “electronic record” includes those public records which are stored on machine-readable file format. If a record is created in an electronic format, the electronic record is the primary record and is subject to provisions of RCW 42.56, the Public Records Act. Electronic records must be retained in electronic format and remain usable, searchable, retrievable and authentic for the length of the designated retention period. Printing and retaining a hard copy is not a substitute for the electronic version. Responses to public record requests for electronic records other than those in common file formats such as .pdf or similar formats will be coordinated through the Public Records Officer.

## **Section 7. Exempt and Prohibited Disclosure of Public Records**

Certain records and information are exempt from disclosure under the Public Records Act. The City is required to maintain a list of exemptions to disclosure other than those enumerated in the Public Records Act. The City adopts as a nonexclusive list the list of exemptions published by Municipal Research Service Center as Appendix C to the report, “Public Records Act for Washington Cities, Counties and Special Purpose Districts,” available at <http://mrsc.org/getmedia/796a2402-9ad4-4bde-a221-0d6814ef6edc/publicrecordsact.pdf.aspx>. The Public Records Officer will provide a copy of this list upon request. The City’s failure to list an exemption shall not affect the effectiveness of the exemption.

## **Section 8. Categories of Requests.**

The City receives a significant number of public records requests 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 public records requests according to their complexity and the estimated staff time involved in completing the request. When a public records request is received, the Public Records Officer and/or the designated department will categorize the request according to the nature, volume, and availability of the requested records as follows:

- a. **Category 1** records requests are routine or readily filled requests for easily identified and immediately accessible records requiring little or no coordination between departments. Examples include requests to review a permit file made at the Building counter and requests for collision reports.
  
- b. **Category 2** records requests are routine requests that involve:

1. more than one record or file, and/or
  2. records not easily identified, located and accessible, and/or
  3. records that require some coordination between departments.
- c. **Category 3** records requests are complex requests which involve:
1. a large number or records, and/or
  2. research by City staff or an email search, and/or
  3. review by Public Records Officer to determine whether any of the records are exempt from production.
- d. **Category 4** records requests are complex requests that may be especially broad or vague which may involve:
1. a large number of records that are not easily identified, located or accessible, requiring coordination between multiple departments, and/or
  2. research by City staff who are not primarily responsible for public disclosure and/or
  3. legal review and creation of an exemption log. These requests may require additional assistance from third parties.

After initial categorization, records requests may be re-categorized 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 Public Records Officer will process requests in the order allowing the most requests to be processed in the most efficient manner. The following standard periods for response to all categories of records requests are established as goals.

- a. **Category 1 records requests.** Generally, the City will respond to Category 1 records requests within five business days. If records cannot be made 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 and a request for clarification, if applicable. The estimate is made 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 and a request for clarification, if applicable. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 3 requests usually require between several weeks and 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 and a request for clarification, if applicable. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 4 requests usually require several weeks to a year or more. In some instances, an estimate of the total amount of time needed to fulfill the request cannot be made until research is performed to identify the responsive records. The Public Records Officer will communicate with the requestor in those instances to keep them informed of the progress on the request on a monthly basis.

## **Section 10. Costs of Providing Copies of Public Records**

Per state law, the City is not allowed to charge for locating a public record or for making records available for review or inspection. The City may charge, however, for the actual costs of copying public records, including the staff time spent making the copies. This provision includes responses to public records requests for electronic records.

- a. **Fee schedule.** The City will assess charges for providing copies of public records in accordance with its fee schedule. The fee schedule may be found online at [www.cityofpoulsbo.com](http://www.cityofpoulsbo.com) on the City Clerk's Public Records Requests webpage.
- b. **Use of other copying services.** The City is not required to copy records at its own facilities and may determine to use a commercial copying center. In this case, the City will bill the requestor for the amount charged by the vendor.
- c. **Customized service charge.** In addition to other charges for production of records, the City may impose a customized service charge for production if records if responding to a request will require the use of information technology expertise to prepare data compilations or provide customized electronic access services, so long as the compilation or customized access services would not be used by the City for other purposes. Before imposing a customized service charge, the City must notify the requestor that it intends to impose the charge (including an explanation of why it applies, what expertise the request requires, and how much the charge will be), and

must give the requestor an opportunity to modify his or her request to reduce or avoid the charge.

- d. **Sales tax.** The City will not charge sales tax on charges for copies of records.
- e. **Certified copies.** Where the request is for a certified copy, an additional charge may be applied to cover the additional expense and time required for certification. Charges for certification may be found online at [www.cityofpoulsbo.com](http://www.cityofpoulsbo.com) on the City Clerk's Public Records Requests webpage.
- f. **Deposit or payment by installments.** Before beginning to copy records, the Public Records Officer or designee may require a deposit of up to ten percent of the estimated costs of copying the records selected by a requestor. The Public Records Officer 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.
- g. **Requests for cost estimates.** Before any copies are made, a requestor may ask for (and, if asked, the City will provide) an estimate of charges applicable to a request. The City will give requestors who have requested an estimate an opportunity to revise their request to reduce or avoid applicable charges.
- h. **Waiver of copying charges.** The Public Records Officer has the discretion to waive copying charges for small requests, or for individuals or government agencies doing business with the City if the Public Records Officer determines that this action is in the best interest of the City. Fees will be waived when the number of pages in responsive records totals fewer than ten (10) pages of records. Such costs will not be waived, however, when it appears that the request has been tailored to take advantage of this waiver.
- i. **Alternative fee arrangements.** The City may, in its discretion, enter into a contract, memorandum of understanding, or other agreement with a requestor that provides for alternative fee arrangements.
- j. **Method of payment.** Payment may be made by cash, check, or money order to the City of Poulsbo.
- k. **Failure to Pay.** If payment arrangements are not made within 30 calendar days of notice that records are available, the entire request may be deemed abandoned and closed. A reasonable attempt shall be made by the Public Records Officer to contact the requestor prior to deeming a request abandoned and closed.

**Section 11. Denials for internal administrative review of denial of access.**

- a. **Petition for internal review.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including by email) to the City Clerk 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.
  
- b. **Consideration of petition for review.** The City Clerk shall promptly provide the petition and any other relevant information to the Risk Manager or his or her designee to conduct the review. The Risk Manager or his or her designee will promptly consider the petition and either affirm or reverse the denial within two business days following the City's receipt of the petition, or within such other time to which the City and the requestor mutually agree.