

NORTHSHORE FIRE DEPARTMENT

ADMINISTRATIVE POLICY AND PROCEDURES/GUIDELINES

SUBJECT: Access To District Records

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| Policy Number: | 5301 | Approved By: | Board of Commissioners |
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1 PURPOSE

- 1.1 To provide policy and procedure for accessing public records.

2 REFERENCES

- 2.1 RCW 42.56 *Public Records Act*
- 2.2 RCW 42.48 *Release of Records for Research*
- 2.3 RCW 70.02 *Medical records—Health care information and disclosure*
- 2.4 WAC 44-12 *Public Records Act—Model Rules*

3 RESPONSIBILITY

- 3.1 The District shall appoint an employee as the designated public records officer.
- 3.2 The public records officer shall be responsible for the implementation of the District's rules and regulations regarding release of public records, coordinating the staff of the District in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements.
- 3.3 The District's attorney shall provide legal advice to the Public Records Officer on those occasions when such advice is sought. Additionally, the District's attorney will provide a timely written response to a written request for explanation of a denial of the release of public information.

4 DEFINITIONS

- 4.1 **PUBLIC RECORDS OFFICER:** The person so designated shall be located in the administrative office of the District and is charged with the responsibilities set forth in this policy in addition to other duties and responsibilities held by such person.
- 4.2 **PUBLIC RECORD:** includes any writing as defined containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the Northshore Fire Department regardless of physical form or characteristics.
- 4.3 **WRITING:** means handwritten, typewritten, printing, photostat copy, photograph, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

5 POLICY

5.1 General

The Northshore Fire Department shall provide the public with full access to public records in accordance with the Washington State Public Records Act (PRA) as referenced in RCW Chapter 42.56 and the Model Rules of WAC 44-14.

5.1.1 The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. RCW 42.56.230 through 42.56.480 contain a large number of exemptions from public inspection and copying.

5.2 Tracking

Records requests shall be tracked in accordance with the PRA. The tracking log shall include the following:

5.2.1 Identity of the requestor (if provided).

5.2.2 Date and text of the request.

5.2.3 Description of the records produced in response to the request.

5.2.4 Description of the records redacted or withheld and the reasons for the redaction/withholding.

5.2.5 Date of final disposition of the request.

5.3 Fees

The District has determined that calculating the actual costs of providing public records pursuant to Washington State Law would be unduly burdensome. Accordingly the District shall impose reasonable fees as established by Washington State Law to cover the costs of producing requested records as follows:

5.3.1 No fee shall be charged for the inspection of public records.

5.3.2 No fees shall be charged for individual incident reports and medical records.

5.3.3 Requests for all other records or bulk requests for incident reports shall be subject to the fee schedule outlined below:

- 15 cents/page for hard paper copies
- 10 cents/page for records scanned into electronic format
- 5 cents for every four electronic files or attachments uploaded to an email, cloud storage service, or other electronic delivery system
- 10 cents/gigabyte for transmitting records electronically

5.3.4 When it is determined the cost of copying and/or producing electronic records is greater than the fees listed above, the requester shall be charged the actual cost incurred for providing electronic copies, including costs related to production, file transfer, storage, postage and transmission.

5.3.5 The District may send any records responsive to a request to an outside vendor for copying/scanning, and the actual cost of the reproduction by the vendor shall be paid by the requestor.

5.3.5.1 This shall only be done after the requestor has been notified that such reproduction is necessary.

5.3.6 Upon request the District shall provide an estimate of the fees related to any one records request.

5.4 Responding to Requests

The District will process requests in the most efficient manner as the Public Records Officer (defined above) deems appropriate. Within five (5) business days of receiving a request, the District will either (A) provide the record; (B) acknowledge that the request has been received and provide a reasonable time estimate it will respond to the request; (C) request clarification if necessary as to what records are being requested; or (D) deny the request.

5.4.1 Additional time to respond may be based on the need to clarify the intent of the request, to locate and assemble the records, to notify third parties or agencies affected by the request and provide such parties/agencies with the opportunity to seek a court order preventing disclosure where appropriate, and/or to determine whether any of the information requested is exempt from disclosure.

5.4.2 Public records requests will be handled in the order they are received. Should there be multiple requests by the same requestor, the request that was first received will be processed first and the other requests will be started after the previous request is complete.

5.4.3 While public records requests are an essential function of the District, the Public Records Officer also performs other essential functions for the District. Accordingly, the Department finds it reasonable to restrict the time allocated to the Public Records Officer in responding to public records requests to 5 hours per week to allow the officer to accomplish other essential functions for the District. The amount defined is based on the amount of other core responsibilities outlined in the officer's job descriptions. The District will strive to provide responses in installments to expedite production of responsive records. The Public Records Officer will keep an accurate and current monthly log of these hours.

5.4.4 If the requestor fails to clarify an unclear request within 15 days, the District will treat the request as having been withdrawn.

5.5 Limitations and Exemptions

5.5.1 The PRA does not require the District to answer written questions, create new public records, or provide information in a format that is different from original public records; however, the District may in its discretion, create such a new record to fulfill the request where it may be easier for the District to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request.

5.5.2 Requests for records must be for identifiable records. A request for all or substantially all records prepared, owned, used, or retained by the District shall not be considered a valid request.

5.5.3 The District is not obligated to hold current records requests open to respond to requests for records that may be created in the future. A new request must be made to obtain later-created public records.

- 5.5.4 The District is not required to permit public inspection and copying of records for which public disclosure of the record is prohibited, restricted or limited by state or federal statute or regulation. The District is prohibited by statute from disclosing lists of individuals for commercial purposes. RCW 42.56.070(9).
- 5.5.5 Other statutes outside the Public Records Act may prohibit and exempt disclosure of certain documents or information.
- 5.5.6 The District's failure to list an exemption shall not affect the effectiveness of the exemption.

5.6 Denial of Requests for Records

- 5.6.1 Denials of requests for public records will be accompanied by a written statement specifying the reason(s) for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.
- 5.6.2 Any person who objects to the denial of a public records request may petition in writing to the District's attorney for a review of that decision. The petition shall include a copy of the written statement provided in denying the records request. The attorney shall perform a review of the denial as promptly as possible.

5.7 Retention of Records

- 5.7.1 The District is not required to retain all records it creates or uses. However, the District will follow RCW Chapter 40.14, Preservation and Destruction of Public Records, in the retention and destruction of public records.
- 5.7.2 The retention schedule for local agencies is available at www.secstate.wa.gov/archives. Retention schedules for documents vary based on the content of the record.

5.8 Medical Records

Medical records are not considered public records. The District is prohibited from releasing a patient's protected health information (PHI) without the patient's consent. There are several standard exceptions to this rule for the release of PHI. Medical records can be released without patients consent for billing, treatment, and other health care operations purposes and court orders that comply with the provisions of RCW 70.02.060.

6 **PROCEDURE**

6.1 How to Access or Request Records

- 6.1.1 A variety of records are available on the District's website at www.northshorefire.com. Requestors are encouraged to view records available on the website prior to submitting a records request.
- 6.1.2 Any person requesting access to public records or seeking assistance in making such a request should contact the District's Public Records Officer or Fire Chief at the Headquarters Fire Station located at:

Public Records Officer
7220 NE 181st Street
Kenmore, WA 98028

Phone: 425-354-1780
FAX: 425-354-1781
Email: admin@northshorefire.com

6.2 Request Format

The District encourages requests for public records be made in writing on a Public Records Request Form which is available at the District headquarters and on the District's website (www.northshorefire.com).

6.2.1 Requests may be submitted in person, orally, by mail, fax, or e-mail. E-mail will be considered received on the date the message is stamped "received" not on the date sent. Requests should include the following information:

- The date of the request;
- The requestors name, mailing address, and contact phone number; and
- The nature of the request, including a description of the public record(s) adequate for the District personnel to be able to locate the records; and
- If request is in regard to an emergency response, please include names of persons involved in incident, exact date of incident, and address of incident.

6.3 Providing Records in Installments

When the request is for a large number of records, the District may provide access for inspection and copying in partial installments if reasonably determined that it would be practical to provide the records in that way. If the requestor fails to inspect the entire set of records or one or more of the installments within 30 days, the Public Records Officer may stop searching for the remaining records and close the request.

6.4 Availability of Public Records

Public records are available for inspection and copying at the District's Headquarters during normal business hours: Monday through Thursday, 8:00 a.m. to 4:30 p.m., and 8:00 a.m. to 3:30 p.m. on Fridays, excluding legal holidays. District personnel and the requestor may make mutually agreeable arrangements for time(s) of inspection and copying.

6.5 Preservation of Public Records

No member of the public may remove a public record from a viewing area, disassemble, or alter any public record.

6.5 Closing Abandoned Requests

If the requestor withdraws the request, fails to fulfill his or her obligations to inspect the records within 30 days of notice that the records are available for inspection, or fails to make the payment for the requested copies, District personnel will close the request and notify the requestor that the request has been closed. District personnel will document closure of the request and the conditions that led to closure.