

# CITY OF QUINCY

## PUBLIC RECORDS DISCLOSURE POLICY AND PROCEDURE

**Authority and Purpose.** The purpose of this Policy and Procedure ("Policy") is to establish the procedures the City of Quincy ("City") will follow in order to provide the public full access to public records ("Records"), pursuant to the Public Records Act, RCW 42.56 ("Act"). The purpose of the Act is to provide the public full access to Records concerning the conduct of government, mindful of individuals' privacy rights and the efficient administration of government. The Act requires the City to "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the City," provide "fullest assistance" to requestors, and provide the "most timely possible action" on Records requests.

This Policy provides information to persons ("Requestors") wishing to review Records and establish processes for both Requestors and the City staff designed to best assist Requestors in obtaining such access, without unduly interfering with the City's operations. If this Policy does not directly or completely address a situation presented by a particular Request, the City will interpret this Policy according to the Act, the intent of the Act, and consistent with its interpretation by the Courts, and with the Model Rules adopted by the Washington Attorney General at Chapter 44-14 WAC.

**Contact information.** The City is organized as a Code City, utilizing the Mayor/Council form of government. The City's appointed Public Records Officer is the City Administrator, who will oversee compliance with the Act but may delegate actions to other members of the City's staff. A Requestor wishing access to Records, or seeking assistance in making a Request may contact the Public Records Officer:

PO Box 338, Quincy, WA 98848  
(509) 787-3523 (office)  
publicrecordsofficer@quincywashington.us

**Availability of Records.** Records are available for inspection and copying during the City's normal business hours of the City, from 9:00 a.m. to 4:00 p.m. Records must be inspected at the offices of the City. Due to the size of the City's office staff, and the nature of the City's records and filing, the City reserves the right to treat a Request as being a request for a copy of Records. Therefore, a Request may not result in an immediate access to Records, and the Requestor may be requested to return at a later time during normal business hours, at the discretion of the Public Records Officer.

**Requests for Public Records.** The City recommends a Requestor make their request in writing on the City's request form, or by letter, or e-mail, addressed to the Public Records Officer and including the following information:

- a. Name of requestor
- b. Address of requestor;
- c. Other contact information, including telephone number and any e-mail address;
- d. Identification of the requested Records by reference to names, title, subject matter, and time frames, or other means adequate for the Public Records Officer to locate the requested Records; and
- e. The date of the Request.

The Public Records Officer will accept Requests containing the above information by telephone, or in person. If the Public Records Officer accepts such a Request, they will confirm the Request and the substance of the Request in writing.

**Records v. Information.** The Act requires the City to provide access to "identifiable records", not information. Therefore, the City is not obligated to create a record to satisfy a Request. Further, the City's ability to provide Records is directly influenced by the clarity and accuracy of the Request. The Act does not allow a Requestor to search through the City's files for records which cannot be reasonably identified or described to the City. Further, Requests are not interrogatories, and the City is not required under the Act to conduct legal research for a Requestor.

The City may seek a clarification of an objectively "unclear" Request. If the Requestor fails to clarify an unclear Request, the City will not respond further to the Request and will deem the request abandoned; provided that the City will respond to all portions of the Request where clarification is not needed.

**Costs; Deposits; Payment.** The Requestor must pay the cost of copying, but not searching for, Records. The charges for photocopies and electronic copies are established within the City's Rate Resolution as set out in RCW 42.56.120(b). The City may determine that it may be less disruptive to the City's operation to send original records to a certified commercial copying center to fulfill a Request, and the Requestor shall pay the cost of this commercial copying. The Requestor shall also pay the actual cost of any digital storage media or device provided by the City, container or

envelope used, and postage or delivery charge to mail the Records. The City may impose a customized service charge if information technology expertise is required. Prior to the City undertaking the copying of Records, the Requestor shall, at the City's request, deposit up to 10% of the City's reasonable estimate of the cost of copying the Records. Prior to receiving the Records, the Requestor shall pay the balance City's cost of copying.

**Waiver of Costs.** The Public Records Officer may waive any or all costs for a particular public record request as outlined in the City's Rate Resolution.

**Acknowledging receipt of Request.** Within 5 business days of receipt of a Request the City will do one or more of the following:

- a. Make the Records available for inspection or copying;
- b. Send copies of the Records (assuming payment has been made);
- c. Provide a reasonable estimate of when Records will be sent;
- d. Request clarification; or
- e. Deny the Request.

**Protecting rights of others.** If the requested Records contain information that may affect rights of others and may be exempt from disclosure, the City may, prior to providing the Records, give notice to such others, so as to make it possible for them to assert their respective rights, such as seeking an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the Request. Affording one the right to assert a right to protect the dissemination of Records may delay the provision of the Records.

**Records exempt from disclosure.** Public records that are not subject to disclosure under state law, that are described as exempt by chapter 42.56 RCW, or that are required to be withheld by any other law, are exempt from disclosure. If the City believes that a Record is exempt from disclosure and should be withheld, the City will identify the specific exemption and explain why the Record or a portion of the Record is being withheld. If only a portion of a Record is exempt from disclosure, the City will redact the exempt portions, provide the non-exempt portions, and indicate to the Requestor why portions of the Record were redacted.

**Delivery of Requested Records.** Unless otherwise agreed, the City will provide the copies of the Records via US Mail, at the Requestor's cost. For requests of large volumes of records, the City will make the records available at the requestor's cost.

**Closing of Request.** When the inspection of the Records is complete and all requested copies are provided, the City will close its file on the Request. When the Requestor either withdraws a Request or fails to fulfill their obligations to inspect the records or pay the deposit or final payment for the requested copies, the City will close the Request and so advise the Requestor.

**Review of Denials.** A Requestor may petition the Public Records Officer for review of any decision made by the City in response to a Request. The petition shall be in writing and include a copy of the City's decision. The Public Records Officer shall refer the petition and any other relevant information to the City Attorney, who will immediately consider the petition and either affirm or reverse the decision within 2 business days following the City's receipt of the petition. Any person may obtain court review of denials of Requests at the conclusion of 2 business days after the initial denial regardless of any internal administrative appeal.

**Police Accident Reports.** Pursuant to Ch. 46.52 RCW, a request for a Police Accident Report will not be deemed a Request for Records under this Policy or the Act if the Requestor certifies, in writing, to the City that the Requestor is an "interested party." If the Requestor does not certify that they are an "interested party" then their Request for a Police Accident Report will be processed under this Policy. The City has developed a form that a Requestor may complete for the certification. For purposes of this Policy, "interested party shall mean any party authorized to receive a copy of an accident report as authorized in RCW 46.52.080 or RCW 46.52.083, as they now appear or are hereafter amended; and "Accident Report" shall mean any accident report or supplemental report required by Chapter 46.52 RCW, as it now appears or is hereafter amended.