



ADMINISTRATIVE POLICY NO. 13

PUBLIC RECORDS ACT REQUESTS

DEFINITIONS:

The Public Records Act (RCW 42.56) defines a public record as follows:

"Public record" includes 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.

"Writing" is also defined in the Act as follows:

"Writing" means handwriting, typewriting, printing, photostating, photographing, 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.

PURPOSE:

The purpose of this policy is to establish how the LOTT Clean Water Alliance will comply with Chapter 42.56 RCW: Public Records Act.

POLICY:

Washington's Public Records Act requires each local agency to make available for public inspection and copying all public records, unless the record falls within the specific exemptions of this chapter or other statute which exempts or prohibits disclosure of specific information or records. In compliance with that Act, the LOTT Alliance has appointed a Public Records Officer to process requests.

Procedure to make a records request:

A variety of records are available on the LOTT website at www.lottcleanwater.org. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

The LOTT Clean Water Alliance requests those seeking public records to complete a records request form provided by LOTT. The form is available at our main office, by mail, email, website, or fax. This is the best way to assure that LOTT can adequately address a request for public records. If you do not complete this form yourself, you will be contacted by LOTT upon receipt of your request for the purpose of obtaining the information requested in the form. Therefore, it is important that you provide at least one telephone number or email address where you can be reached when you make your request. Requests should include the following information:

- 1) Name and address of the Requester;
- 2) Other contact information, including telephone number and e-mail address;
- 3) Date of the request;
- 4) The nature of the request, including an identification of the public records adequate for the Public Records Officer to be able to locate the records; and

5) Whether the Requester desires copies, or to inspect the requested records.

Requests should be directed to: LOTT Clean Water Alliance, Public Records Officer, 500 Adams St NE, Olympia, WA, 98501, or electronically to recordsrequest@lottcleanwater.org, or fax to 360-664-2336, ATTN: Public Records Officer.

Requesters:

Requesters are encouraged to refer to the Public Records Act in making their request but are not required to do so. They must request identifiable records or classes of records that LOTT can reasonably locate even though they are not required to specifically state the exact record sought. The requester may contact LOTT's Public Records Officer for assistance focusing the request. LOTT will contact the requester for clarification if needed.

If the LOTT Clean Water Alliance does not respond in writing within five business days of receipt of the request for disclosure, the requester is encouraged to contact the Public Records Officer to determine the reason for failure to respond.

Response to records requests:

LOTT will provide copies of all non-exempt public records and documents identified with specificity sufficient to permit location and retrieval, as required by the Public Records Act. While LOTT is not required to conduct research or statistical analysis of records, or to create records not already in existence, requested non-exempt records will be made available, by appointment, so that interested persons can conduct their own research and analysis of the public records.

LOTT will provide a response to any public records request within five (5) working days by:

- (1) Providing the record;
- (2) Providing an internet address and link on LOTT's web site to the specific records requested, except that if the requester notifies LOTT that he or she cannot access the records through the internet, then LOTT will provide copies of the record or allow the requester to view copies using an agency computer;
- (3) Acknowledging that LOTT has received the request and providing a reasonable estimate of the time we will require to respond to the request (in acknowledging receipt of a public records request that is unclear, we may ask the requester to clarify what information the requester is seeking); or
- (4) Denying the public records request.

If a records request is denied in whole or in part, the requestor will be provided with an explanation in writing.

RCW 42.56.070(9) prohibits public agencies from giving, selling, or providing access to "lists of individuals requested for commercial purposes" unless specifically directed by law.

Notice to third parties:

In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the Public Records Officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice would be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request. However, the LOTT Clean Water Alliance is not required by law to provide such notice.

Providing records in installments:

When the request is for a large number of records, the Public Records Officer will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way.

Inspection of records:

Public records are available for inspection and copying by appointment during normal business hours of the LOTT Clean Water Alliance, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at the offices of the LOTT Clean Water Alliance Regional Services Center.

Consistent with other demands, the LOTT Clean Water Alliance shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. After inspection is complete, the requestor shall indicate which documents he or she wishes the agency to copy in a manner requested by the Public Records Officer so as to not deface, tear, damage, destroy or unreasonably disorganize the records. The Public Records Officer shall make the requested copies or arrange for copying and associated charges, if any.

The requestor must claim or review the assembled records within thirty (30) days of LOTT's notification to him or her that the records are available for inspection or copying. LOTT will notify the requestor in writing that he or she should contact us 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 if the requestor fails to respond within the thirty-day period that the records are available, the LOTT Clean Water Alliance may close the request and re-file the assembled records.

Completion of Request:

The LOTT Clean Water Alliance's response to a request shall be deemed complete upon the requestor's inspection of the records or upon notification that copies of all the requested records are available for payment and delivery or pick up, or that no responsive records exist. If the requestor either withdraws the request, fails to fulfill his or her obligations to inspect the records or an installment, make payment arrangements or payment, or clarify an unclear request after 30 days, the request will be considered closed.

Later discovered documents:

If, after the LOTT Clean Water Alliance has informed the requestor that it has provided all available records, LOTT becomes aware of additional responsive documents that existed at the time of the request, we will inform the requestor of the additional documents and provide them within a reasonable period of time. Any responsive records that did not exist at the time of the request will not be provided absent a new request.

Charges:

Conducting an internal cost study for providing public records would be unduly burdensome due to the complexity and time commitment necessary for conducting a meaningful and thorough study. LOTT feels the default fees in RCW 42.56.120 are reasonable and of more benefit to the public.

The Requestor may be charged fees pursuant to RCW 42.56 and in accordance with LOTT's Records Fee Schedule.

A summary of applicable charges is available upon request. The Records Fee Schedule will be maintained by the Public Records Officer and updated as administratively necessary, and will contain criteria regarding when fees will be waived. No fee shall be charged for the inspection of Public Records at the LOTT Regional Services Center.

Disclaimer of Liability:

Neither the LOTT Clean Water Alliance 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 and the Public Records Act. RCW 42.56.060.

Other:

LOTT's Executive Director may update this policy to incorporate changes to the Model Rules and the Public Records Act. Notice of the policy change will be provided to the Board of Directors at the Board of Directors Meeting following the change.