

PUBLIC RECORDS ACT POLICY

1. PURPOSE

The purpose of this policy is to establish the procedures and guidelines that the Port of Pasco ("Port") will follow in order to provide full compliance to the Public Records Act through access to public records. These guidelines provide information to persons wishing to request access to public records of the Port and establish procedures for both requestors and Port staff, who are designed to best assist members of the public, in obtaining such access.

2. BACKGROUND

The Port's paper, electronic, and digital records are subject to disclosure under the Public Records Act (PRA)/RCW 42.56. The Port will comply with the requirements established in the PRA and outlined in RCW 42.56, and any other state or federal records requirements.

3. SCOPE

This policy covers public record requests for records that are prepared, owned, used, or retained by any department or employee of the Port of Pasco. Any record, which includes hard copies, electronic, or digital records, are subject to production under the PRA, unless the record is defined as exempt under the PRA, an RCW, or any other applicable law.

4. PUBLIC RECORDS OFFICER

Any person wishing to request access to public records of the Port, or seeking assistance in making such a request should contact the public records officer of the Port:

Public Records Officer
1110 Osprey Pointe Blvd., Ste. 201
Pasco, WA 99301
Email: publicrecords@portofpasco.org
Telephone: 509 547-3378

The public records officer will oversee compliance with the act, but another Port staff member may process the request. Therefore, this policy will refer to the public records officer or "designee." The public records officer or designee and the Port will provide assistance to requestors; ensure that public records are protected from damage or

disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the Port.

The public records officer and other Port staff members prefer to primarily conduct public records related correspondence with a requestor via email, including, but not limited to, sections of this policy that provide for certain communications to be provided “in writing”. However, in the event of the requestor has not provided an email address, Port staff will correspond via mail.

5. AVAILABILITY OF PUBLIC RECORDS

- (a) **Availability and Hours of Inspection.** Public records are available for inspection and copying during normal business hours of the Port, Monday through Friday, 7:00 a.m. to 4:00 p.m., excluding legal holidays, or by appointment. If a requestor would like to inspect a hard copy of a record, they must be inspected at the offices of the Port.
- (b) **Records Index.** The Port finds that maintaining an index is unduly burdensome and would interfere with agency operations. The requirement would unduly burden or interfere with the Port’s operations in the following ways:
- Port has limited funds and clerical personnel. Creating an index with sufficient specificity to be useful to a person requesting records could not be accomplished with existing personnel.
- (c) **Organization of Records.** The Port will maintain its records in a reasonably organized manner. The Port will take reasonable actions to protect records from damage and disorganization. A requestor shall not take Port records from the Port offices without the permission of the public records officer or designee or unless they have paid for copies of such.

6. MAKING A REQUEST FOR PUBLIC RECORDS.

- (a) Any person wishing to inspect or copy public records of the Port should make the request in writing on the Port’s request form, by letter, or email addressed to the public records officer and including the following information:
- Name of requestor;
 - Address of requestor;
 - Other contact information, including telephone number and e-mail address;
 - Identification of the public records adequate for the public records officer or designee to locate the records;
 - Identification of the preferred method of receipt; and
 - The date and time of day of the request.

- (b) The public records officer or designee may accept requests for public records that contain the above information by telephone, email or in person. If the public records officer or designee receives such a request, they will confirm receipt of the request and the substance of the request in writing.
- (c) If the requestor wishes to have hard copies of the records made instead of simply inspecting them, the requestor should so indicate and make arrangements to pay for copies of the records or a deposit. Copy fees are pursuant to RCW 42.56.120(2)(b) as outlined in section 11.

7.PUBLIC AGENCY RESPONSIBILITIES

- (a) **Providing “fullest assistance.”** The Port is charged by statute with adopting guidelines which provide for how it 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 “most timely possible action” on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.
- (b) **Acknowledging receipt of request.** Within five (5) business days of receipt of the request, the public records officer will do one or more of the following:
 - (1) Make the records available for inspection or copying;
 - (2) If copies are requested and payment, if any required, is made or terms of payment are agreed upon, send the copies to the requestor;
 - (3) Provide a reasonable estimate of when records will be available; or
 - (4) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available after clarification; or
 - (5) Deny the request.
- (c) **Consequences of failure to respond.** If the Port does not respond in writing within five (5) business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.
- (d) **Protecting rights of others.** In the event that the requested records contain information that may affect the 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

should 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.

- (e) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the Port 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 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.

8. PROCESSING OF PUBLIC RECORDS REQUESTS-ELECTRONIC RECORDS

(a) **Inspection of records.** Consistent with other demands, the Port 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. The requestor shall indicate which documents he or she wishes the Port to copy.

The requestor must claim or review the assembled records within thirty (30) days of the Port's notification that the records are available for inspection or copying. The Port will notify the requestor in writing of this requirement, instructing the requestor to contact the Port 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 Port may close the request and refile the assembled records.

(b) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(c) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if it is reasonably determined that it would be practical to provide the records in that way. If, within thirty (30) days, the requestor fails to inspect the entire set of records, or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(d) **Completion of Inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the Port has completed a diligent search for the

requested records and made any located nonexempt records available for inspection.

- (e) Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or 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 Port has closed the request.
- (f) Later discovered documents.** If, after the Port has informed the requestor that it has provided all available records, the Port becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

9.PROCESSING OF PUBLIC RECORDS REQUESTS-ELECTRONIC AND DIGITAL RECORDS

- (a) Requesting electronic or digital records.** The process for requesting electronic or digital public records is the same as for requesting paper public records.
- (b) Providing electronic records.** When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the Port and is generally commercially available, or in a format that is reasonably translatable from the format in which the Port keeps the record. Costs for providing electronic records are governed by section 11 pursuant to RCW 42.56.120.

10.EXEMPTIONS

- (a)** The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any “other statute” exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that may restrict the availability of some documents held by the Port for inspection and copying:

- RCW 5.60.060 – Privileged communications
- RCW 5.60.070 – Court-ordered mediation records
- RCW 26.23.120(1) – Records concerning persons owing child support
- RCW 26.44.010 – Privacy of reports on child abuse and neglect
- RCW 26.44.020(19) – Unfounded allegations of child abuse or neglect
- RCW 26.44.030 – Reports of child abuse/neglect
- RCW 26.44.125 – Right to review and amend abuse finding – confidentiality

RCW 36.28A.410(3) - Automated protected person notification system
information RCW 40.14– Preservation and destruction of public records
RCW 41.56.029(2), 41.56.510- Collective bargaining authorization cards of public
employees and adult family home providers
RCW 42.23.070(4) – Municipal officer disclosure of confidential information
prohibited
RCW 42.41.030(7) – Identity of local government whistleblower
RCW 42.41.045 – Non-disclosure of protected information (whistleblower)
RCW 46.20.118- Photos on drivers’ licenses and identicards
RCW 46.52.080 – Traffic accident reports – confidentiality
RCW 46.52.083 – Traffic accident reports – available to interested parties
RCW 46.52.120 – Traffic crimes and infractions – confidential use by police and
courts
RCW 46.52.130(2) Abstract of driving record
RCW 48.62.101 – Local government insurance transactions – access to
information
RCW 49.76.040- Employee’s information regarding domestic violence
RCW 49.76.090- Domestic violence leave information in files and records of
employees is confidential and not open to public inspection
RCW 50.13- Most information supplied to the Employment Security Department
RCW 50A.05- Family and Medical Leave
Chapter 70.02 RCW – Medical records – access and disclosure – entire chapter
(HC providers)
RCW 70.48.100 – Jail records and booking photos
RCW 74.34.095 – Abuse of vulnerable adults – confidentiality of investigations
and reports
18 USC § 2721 - 2725 Driver and License Plate Information
23 USC § 409 Evidence of certain accident reports
42 USC 290dd-2 – Confidentiality of Substance Abuse Records
42 USC 405(c)(2)(vii)(I) – Limits on Use and Disclosure of Social Security
Numbers 42 CFR Part 2 (2.1 – 2.67) – Confidentiality of Alcohol and Drug
Abuse Patient Records
42 CFR § 431.300 - 307 Safeguarding Information on Applicants and Recipients of
Medical Assistance 45 CFR 160-164 – HIPAA Privacy Rule

This list is not all inclusive. There may be other exemptions.

- (b)** The Port is prohibited by statute from disclosing lists of individuals for commercial purposes and may request attestation from the requestor to confirm the information requested will not be used for commercial purposes.

11.COSTS OF PROVIDING COPIES OF PUBLIC RECORDS.

- (a) Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for 15 cents per page for requests. For administrative convenience, the Port may waive the charge for a request involving 25 or fewer standard black and white photocopies.

Nonstandard copies include color copies, engineering drawings, and photographs. The Port shall charge its actual costs for nonstandard photocopies. For example, when the Port provides records in an electronic format by putting the records on a thumb drive or disk, it may charge its actual costs for the thumb drive or disk, with the cost to be paid before the thumb drive or disk is provided.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent (10%) of the estimated costs of copying all the records selected by the requestor. The public records officer or designee 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. The Port will not charge sales tax when it makes copies of public records.

- (b) Costs for electronic records.** The cost of electronic copies of records shall be the actual cost for information on a thumb drive or disk. If the Port has scanning equipment at its offices; the cost of scanning the records is ten cents per page. For administrative convenience, the Port may waive the charge for 50 or fewer scanned pages. There will be no charge for e-mailing electronic records to a requestor, unless another cost applies such as a scanning fee.
- (c) Costs of mailing.** The Port may also charge actual costs of mailing, including the cost of the shipping container.
- (d) Payment.** Payment may be made by ACH through the Port website, cash, check, or money order to the Port.

12. REVIEW OF DENIALS OF PUBLIC RECORDS

- (a) Petition for internal administration review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer 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 public records officer shall promptly provide the petition and any other relevant information to the Port official designated by the Port to conduct the review. That person will immediately consider the petition and either affirm or reverse the denial within two (2) business days following the Port's receipt of the petition, or within such other time as the Port and the requestor mutually agree to.
- (c) Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.17.340/42.56.550 at the conclusion of two (2) business days after the initial denial regardless of any internal administrative appeal.