



# MONROE CITY COUNCIL

## Agenda Bill No. 19-071

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| <b>SUBJECT:</b> | <b>Resolution No. 007/2019, Adopting City of Monroe Public Records Act Policy</b> |
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|--------------|--------------|--------------------|-------------------|--------------------------|
| <b>DATE:</b> | <b>DEPT:</b> | <b>CONTACT:</b>    | <b>PRESENTER:</b> | <b>ITEM:</b>             |
| 04/09/2019   | City Clerk   | Elizabeth Adkisson | Deborah Knight    | <b>Consent Agenda #4</b> |

**Discussion:** 03/19/2019 (Leg Aff); 04/09/2019  
**Attachments:** 1. Resolution No. 007/2019, Exhibit A: PRA Policy  
 2. PRA Policy & Procedures (2006)

**REQUESTED ACTION:** Move to approve Resolution No. 007/2019, adopting the City of Monroe Public Records Act (PRA) Policy.

### POLICY CONSIDERATIONS

*The City is required to follow the provisions of RCW 42.56, Public Records Act.*

### DESCRIPTION/BACKGROUND

The City of Monroe Public Records Act Policy and Procedure was last updated in 2006. There have been many updates to best practices based on state law amendments and recent case law. It is in the best interest of the City to regularly review and update this policy.

The draft policy (modified from the City of Poulsbo policy) has been vetted through the City Attorney’s Office, the City’s Public Records Officers (for City Hall; Police; & Municipal Court); the City’s Public Disclosure Liaisons Team; Department Directors; and the City Council Legislative Affairs Committee.

Highlights of new items include:

- Updated language based on changes to State Law and case law best practices;
- definitions (including: divisional public disclosure liaisons and electronic record);
- updating procedures to include the City’s NextRequest portal;
- addressing bot requests;
- coordination between departments;
- order for processing multiple requests by the same requestor; and
- categorization of requests.

Upon approval, the new policy will be disseminated to all City Staff, including in future staff orientation sessions, and posted on the City’s Public Records webpage.

### FISCAL IMPACTS

N/A

### TIME CONSTRAINTS

N/A

### ALTERNATIVES

Do not approve and provide direction to the Mayor and City Staff to areas of concern.

**CITY OF MONROE  
RESOLUTION NO. 007/2019**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MONROE, WASHINGTON, ADOPTING THE CITY OF  
MONROE PUBLIC RECORDS ACT (PRA) POLICY

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WHEREAS, the City Council approved a Public Records Act Policy and Procedure via Administrative Policy 2004-003, approved December 15, 2004, and amended through Administrative Policy 2006-003, approved September 19, 2006; and

WHEREAS, there have been significant updates to best practices based on amendments to RCW 42.56, Public Records Act, and Washington State case law; and

WHEREAS, the City Council has determined it is in the best interest of the City to review and update the Public Records Act Policy and Procedure to come into compliance with recent state law amendments and case law best practices; and

WHEREAS, the City Council has reviewed and discussed the proposed Public Records Act (PRA) policy.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Repeal of Administrative Policies. The Public Records Act Policy and Procedure established through Administrative Policy 2004-003, approved December 15, 2004, and amended through Administrative Policy 2006-003, approved September 19, 2006, are hereby repealed in full.

Section 2. Adoption of the City of Monroe Public Records Act Policy. The City of Monroe Public Records Act (PRA) Policy is adopted in its entirety and attached as Exhibit A.

Section 3. Effective Date. The City of Monroe Public Records Act (PRA) Policy will be effective April 9, 2019.

ADOPTED by the City Council of the City of Monroe, at its regular meeting thereof, and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Approved: April 9, 2019  
Effective: April 9, 2019

CITY OF MONROE, WASHINGTON

\_\_\_\_\_  
Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth M. Adkisson, MMC, City Clerk

\_\_\_\_\_  
J. Zachary Lell, City Attorney

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The City, in conjunction with Chapter 42.56 RCW (the Public Records Act), adopts and promotes 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 impose legal obligations on or create rights in the City 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 Public Records Officer or Divisional Public Disclosure Liaisons 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 Monroe, Washington. The City of Monroe 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, transportation benefit district, and general administrative services. In addition to its general government services, the City operates three enterprises: water utility, sanitary sewer utility, and stormwater management 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 Monroe Municipal Court records. Monroe Municipal Court records are exempt from the Public Records Act and are subject to release directly through the Monroe Municipal Court under General Rule 31.1:  
[http://www.courts.wa.gov/newsinfo/publication/GeneralRule31\\_1.pdf](http://www.courts.wa.gov/newsinfo/publication/GeneralRule31_1.pdf).
- e. **“Divisional Public Disclosure Liaisons”** refers to 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/division. May also act as the designee for the Public Records Officer.

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- f. **“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 or designee.
  
- g. **“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.
  
- h. **“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.”
  
- i. **“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.
  
- j. **“Public records request”** means a request made to the City of Monroe 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.
  
- k. **“Public Records Officer”** is the central point of contact for public records requests in the City of Monroe, as required under RCW 42.56.580. For general city records, the Public Records Officer is the City Clerk. For records from the

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Police Department, the Public Records Officer is the Police Administrative Manager. For the Court, the Public Records Officer is the Court Administrator.

- I. **“Requestor”** means the individual making the request for public records by submitting an official public records request.

**Section 2. Public Records Officers**

Any person wishing to request access to public records or seeking assistance in making a request should contact one of the City’s Public Records Officers. 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 Monroe Police Department and the Monroe Municipal Court. The Police Administrative Manager shall serve as the Public Records Officer for all records maintained by the Monroe Police Department and the Court Administrator will for the all records maintained by the Monroe Municipal Court.

The Public Records Officers will oversee compliance with the Public Records Act, but will designate other City staff members as Divisional Public Disclosure Liaisons, who may process requests for public records. The Public Records Officers, or their 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 Officers shall maintain a list of department Divisional Public Disclosure Liaisons who are designated by each Department Director, or their designee, to accept and fulfill requests for disclosure of public records on a regular basis. Public Records Officers shall provide advice and instruction to Divisional Public Disclosure Liaisons and other staff members regarding fulfillment of such requests.

The Public Records Officers 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. **Divisional public disclosure liaisons.** There shall be a network of Divisional Public Disclosure Liaisons with representatives in every department or division of the City to assist the public in obtaining access to public records. Each department director shall designate at least one Divisional Public Disclosure Liaison. Each department will inform the Public Records Officer of all Divisional Public Disclosure Liaisons. Under the oversight of the Public Records Officer, Divisional Public Disclosure Liaisons 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, Divisional Public Disclosure Liaisons may communicate directly with requestors, compile requested records, and arrange for the supervised public inspection and copying of requested records.

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- b. **Internet access to records.** Many records are also available on the City of Monroe's website at: [www.monroewa.gov](http://www.monroewa.gov).

Previous responses to records requests are available through the City's open public records portal at <https://monroewa.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 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 Divisional Public Disclosure Liaisons. 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.monroewa.gov](http://www.monroewa.gov). 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://monroewa.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 <http://monroewa.gov/549/Fees>.
- 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 Council Resolution #2004/024. 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 by 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.

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- f. **Retention of records.** The City will retain its records in accordance with retention schedules available at [www.sos.wa.gov](http://www.sos.wa.gov). (Retention schedules vary based on the content of the record). Public records may not be destroyed according to the 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 through the Records Request portal at <https://monroewa.nextrequest.com>. However, if there are questions, please contact:

**Public Records Officers:**

*City of Monroe*  
City Clerk  
806 West Main Street, Monroe WA  
98272

Telephone: 360-794-7400  
Fax: 360-794-4007  
Email: eadkisson@monroewa.gov

*Monroe Police Department*  
Administrative Manager  
818 West Main Street, Monroe WA  
98272

Telephone: 360-794-6300  
Fax: 360-794-3129  
Email: pdrecords@ci.monroe.wa.us

*Monroe Municipal Court*  
Court Administrator  
806 West Main Street, Monroe, WA  
98272

Telephone: 360-863-4548  
Fax: 360-863-4628  
Email: court@monroewa.gov

Municipal Court records are not considered public records under the Public Records Act. Accordingly, requestors seeking municipal court records should be directed to the Public Records Request Portal at <https://monroewa.nextrequest.com>. Municipal courts have their own rules relating to access to court records see General Rule 31.1.

- b. **Internet access to records.** Many records are also available on the City of Monroe's website at: [www.monroewagov](http://www.monroewagov).

Previous responses to some records requests are available through the City's open public records portal at <https://monroewa.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 Divisional Public

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Disclosure Liaison 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 the public records portal, make contact with the Public Records Officers, 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://monroewa.nextrequest.com>;
- By letter, fax, or e-mail addressed to the Public Records Officer; or
- On the provided request form, in person at Monroe City Hall, Monroe Municipal Court or Monroe Police Department.

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 or designee to locate the records; and
- The date and time of day of the request.

d. **Oral requests.** The Public Records Officer or designee 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 or designee will transcribe the request along with the requestor's contact information so that the City can respond. If possible, the Public Records Officer or designee 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.** Requests for records may be accepted by any department staff person under the general direction of the Public Records Officer. Such requests shall be date stamped when entered into the portal or if received by hard copy, staff should receipt stamp. All requests shall be entered into the public records portal. If the staff person does not have the immediate capability to enter the request in the portal, the staff member shall inform and provide the supervisor or Divisional Public Disclosure Liaison with the request for immediate entry.

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

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- f. **Social-media-initiated requests.** Because the City’s public records personnel do not regularly monitor City social media pages, requests for records submitted via social media do not provide the City reasonable notice of a request under the Public Records Act, Chapter 42.56 RCW. Requests for records submitted via social media will therefore not be processed as requests for public records under the Public Records Act.
- g. **Copies.** If the requestor wishes to have copies of the records made instead of simply inspecting them, they should so indicate and make arrangements to make a deposit or pay for the copies, as further discussed in Section 10 below.
- h. **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.
- i. **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 or designee may inquire about the nature or scope of the request. If the request is for a list of individuals, the Public Records Officer or designee may ask the requestor if they intend 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 or designee may also seek sufficient information to determine if another statute may prohibit disclosure.
- j. **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 considered a valid request for public records. 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 or designee may interpret the request to be for records which directly and fairly address the topic. When the requestor has found the records they are seeking, the requestor should advise the Public Records Officer or designee that the requested records have been provided and the remainder of the request may be cancelled.
- k. **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.
- l. **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 or designee

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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 or designee, provided that the giving of such assistance does not unreasonably disrupt the daily operations of the City Clerk, Police Administrative Manager, Court Administrator or other duties of any assisting employee(s) in other City departments.
- b. **Coordination between City, Police and Court Public Records Officers and Divisional Public Disclosure Liaisons.** If the Court or Police Department Public Records Officer, or designee, receives a request for documents that involve other city departments, they shall coordinate responding to and processing the request. Likewise, if the City Hall Public Records Officer (City Clerk) or any other city employee receives a request for documents that involve police or court records, the City Clerk, or designee, shall coordinate with the Police or Court Public Records Officer or designee. Requests that encompass the City, Court and/or Police Department shall be treated as separate requests but may fall under one request in the records portal. Each department shall respond to the requestor but one department shall take the lead on managing the request and then subsequently closing the request upon its completion.
- c. **Order for processing multiple requests by the same requestor.** The Public Records Officer or designee will process requests in the order allowing the highest number of 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 the order in which they were received. Staff is not required to work on an additional requests until the initial request is completed and closed. Requestors are responsible for informing the Public Records Officer, or designee, 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

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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 or designee 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 they 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. **After-hours requests.** For purposes of calculating the five-day response period identified in subsection (e) above, requests submitted after the close of the City's usual business hours (i.e., after 5 p.m., Monday through Friday, excluding holidays), will be treated as having been received by the City on the following business day.
- g. **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 or designee 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 or designee will provide a revised estimate and explain the changed circumstances that make it necessary.
- h. **Notification that records are available.** If the requestor has sought to inspect the records, the Public Records Officer or designee will notify them 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 or designee should notify

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them of the projected costs and whether a deposit is required before making the copies.

- i. **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 or designee 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 made aware of this possible outcome.
- j. **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.
- k. **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.
- l. **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.
- m. **Searching for records.** Staff shall make a reasonable effort to identify and locate any and all responsive records. When identifying records, the Divisional Public Disclosure Liaison 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 is required to 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.

Public Records Officers, Divisional Public Disclosure Liaisons, and all City Staff are not required to create new records in response to a request for public records, but may, when deemed 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

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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.

- n. **Preserving requested records.** If a requested record is responsive to an active request, or active lawsuit, and is scheduled shortly for destruction under the City’s records retention schedule, the record cannot be destroyed until the public disclosure request, and/or lawsuit, has been resolved. Once a request has been closed, the Public Records Officer, or designee, can destroy the record in accordance with the retention schedule.
- o. **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 or designee 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 or designee will redact the exempt portions and provide the non-exempt portions.
- p. **Protecting the rights of others/third-party notification.** If the requested records contain information that may be exempt from disclosure and affect the rights of others, prior to disclosing the records, the Public Records Officer, or designee, 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 them 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. The notice should also either include a copy of the records the City intends to produce (including any redactions), or should provide the third party the opportunity to inspect the records that the City intends to produce (including any redactions).
- q. **Redactions.** If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer, or designee, will redact the exempt portions, disclose the non-exempt portions, and indicate to the requestor why portions of the record are being redacted. In each case, the justification for the deletion shall be explained in writing.

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- r. **Inspection of records.** To the extent possible due to other demands, the Public Records Officer, or designee, shall provide space to inspect public records. The requestor must claim, or review, the assembled records within thirty days of the Public Records Officer, or designee's, notification that the records are available for inspection or copying. The Public Records Officer, or designee, will notify the requestor in writing of this requirement and suggest that they 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 or designee 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 that 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.
  
- s. **Providing copies of records.** The requestor shall indicate which documents they wish to have copied using a mutually agreed upon non-permanent method of marking the desired records. After inspection is complete, the Public Records Officer or designee will arrange for copying. Making a copy of an electronic record is considered copying and not creation of a new record.
  
- t. **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 City has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
  
- u. **Closing withdrawn or abandoned requests.** If the requestor withdraws the request, fails to fulfill their obligations to inspect the records, or to pay the deposit or final payment for the requested copies, the Public Records Officer or designee will close the request and notify the requestor that the City has closed the request. The Public Records Officer or designee will document closure of the request and the conditions that led to closure.
  
- v. **Later-discovered documents.** If, after the Public Records Officer or designee 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 or designee will promptly inform the requestor of the additional documents and provide them on an expedited basis.
  
- w. **Requests for information.** Requests for information are not public records requests. An agency is not required to conduct research for a requestor.

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- x. **Requestor responsibility.** Requestors shall arrange to inspect records or claim copies of requested records within thirty calendar days following notification by the City that responsive records are available for inspection or copying. The thirty 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 or designee may extend this time period as appropriate to ensure fullest assistance to requestors. Requestors must respond to requests for clarification within thirty 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 thirty calendar days, the request shall be deemed abandoned and closed; and the Public Records Officer, or designee, will notify the requestor accordingly.

**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.

**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 or requests for collision reports.

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- 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 of records, and/or
  - 2. research by City staff or an email search, and/or
  - 3. review by Public Records Officer or designee 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 or designee will process requests in the order allowing the highest number of 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

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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 five and thirty 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 or designee 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**

As outlined by state law, the City is not allowed to charge for staff time involved in locating a public record or for making records available for review or inspection. The City may charge, however, for the costs of copying, producing, and transmitting 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 Master Fee Schedule, as adopted and amended as needed through City Council Resolution. The Master Fee Schedule may be found online at <http://www.monroewa.gov/549/Fees>.
- 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,

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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. **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 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.
- f. **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.
- g. **Waiver of copying charges.** In accordance with the City's Master Fee Schedule, fees for copies will be waived when the total amount due is under a specified threshold amount, as determined by the City's Master Fee Schedule. The City will also waive any fees for copies for case reports when the request is the victim of a crime documented in the requested report. Such costs will not be waived, however, when the Public Records Officer, or designee, determines the request has been tailored to take advantage of this waiver. The City has discretion to waive any other costs it deems appropriate.
- h. **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.
- i. **Method of payment.** Payment may be made by cash, check, credit/debit card, or money order to the City of Monroe. Payment by credit and debit card may incur a separate servicing charge, as determined by the Master Fee Schedule.
- j. **Failure to pay.** If payment arrangements are not made within thirty 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 or designee to contact the requestor prior to deeming a request abandoned and closed.

**Section 11. 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.

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- 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.

*Adopted by Resolution No. 007/2019 of the Monroe City Council, on April 9, 2019*



**CITY OF MONROE**

**ADMINISTRATION POLICIES**

**POLICY SUBJECT: PUBLIC RECORDS ACT POLICY AND PROCEDURE**

**REFERENCE NUMBER: 2006-003 (Replaces 2004-003)  
Amended 8/28/2012**

**EFFECTIVE DATE: September 1, 2006**

**APPROVED:**

\_\_\_\_\_ Mayor                      \_\_\_\_\_ City Administrator

**SUBMITTED TO COUNCIL:**

\_\_\_\_\_ N/A             Yes    Resolution #2004/024            Date: 12/15/04 & 9/19/06

**RECEIVED:**

|                       |                            |
|-----------------------|----------------------------|
| _____ Police          | _____ Human Resources      |
| _____ Clerk           | _____ Engineering          |
| _____ Finance         | _____ Public Works         |
| _____ Community Dev.  | _____ City Attorney        |
| _____ Risk Management | _____ Parks and Recreation |

## 1.0 PURPOSE

The City of Monroe (“the City”) is committed to assisting citizens with access to governmental records. To help facilitate the fullest assistance to citizens, the City has appointed two official Public Records Officers: 1) City Clerk (City Hall) and 2) Police Administrative Manager (Police), or their designee(s).

The City will make all allowable public records available for inspection and/or copying, Monday-Friday; 8 a.m. – 5 p.m.; excluding legal holidays.

## 2.0 KEY TERMS

- A. **Public Record:** 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 the City regardless of physical form or characteristics.
- B. **Writing:** Handwriting, typewriting, printing, photostatting (i.e., photocopying), photographing, electronic (including emails) 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.

## 3.0 INDEX OF PUBLIC RECORDS

- A. **Unduly Burdensome:** The Monroe City Council adopted Council Resolution #2004/024 that found that the requirement to index public records is unduly burdensome and such a list is nearly impossible to create and/or maintain. Therefore, the City does not maintain an index.

4.0

**FORM AND MANNER OF REQUEST FOR PUBLIC RECORDS**

A. **Requests:** All requests for copies or inspection of public records shall be made in writing and delivered:

- 1. in person;
- 2. electronically (email);
- 3. facsimile; or
- 4. by mail.

Requests delivered orally or by telephone will not be considered as valid requests.

B. **Method:** When a request for public records is made, the City will provide a *Public Records Disclosure Request Form*. The form is available at City Hall and Police front counters. Citizens may also find the form on the City’s website at [www.monroewa.gov](http://www.monroewa.gov). The request may be submitted on the form provided or in another format that includes the following information about the request or the requestor:

- 1. date and time;
- 2. name of the requestor;
- 3. full address;
- 4. telephone number;
- 5. email address ( if available);
- 6. title and date of the records ( if known);
- 7. location of the record (if known); and
- 8. whether the requestor intends to inspect the records or to obtain a photocopy of the records.

C. **Public Records Officer:** Requests for public records shall be submitted to:

|   |   |
|---|---|
| <p><u>City Hall Record Requests</u><br/>Denise Jacobsen<br/>City of Monroe<br/>806 West Main Street<br/>Monroe, WA 98272<br/><b>Phone: 360-863-4559</b><br/><b>Fax: 360-794-4007</b><br/><a href="mailto:djacobsen@monroewa.gov">djacobsen@monroewa.gov</a></p> | <p><u>Police Record Requests</u><br/>Records Division<br/>Monroe Police Department<br/>818 West Main Street<br/>Monroe, WA 98272<br/><b>Phone: 360-794-6300</b><br/><b>Fax: 360-794-3129</b><br/><a href="mailto:ssimonson@ci.monroe.wa.us">ssimonson@ci.monroe.wa.us</a></p> |
| <b><a href="http://www.ci.monroe.wa.us">www.ci.monroe.wa.us</a></b>   |   |

D. **Identification/Motivation:** The identity and motivation of a person seeking to obtain a copy of a public record is generally not relevant to the determination of whether the record must be disclosed, however, the City will not provide access to lists of individuals for commercial purposes.

## 5.0

### INITIAL RESPONSE TO REQUEST FOR RECORDS

- A. **Review and Delivery:** Upon receipt of the request, the Public Records Officer or designee will:
1. Review the request and determine which department it pertains to; and
  2. Due to our five-day requirement, within one business day of receipt, deliver a copy of the request to the Department Director for response.
- B. **Initial Response:** The Public Records Officer or designee, in conjunction with the Department Director or designee, shall make all initial responses, in writing, to the requestor within five business days of receipt of the request. All requests received after 5 p.m. will be considered to have been received on the next business day. All requests will be date stamped. Depending on the nature of the request, the Public Records Officer or designee may:
1. Copy or provide the record for inspection, subject to any necessary redactions;
  2. Ask the requester to clarify the scope or intent of the request;
  3. Acknowledge the request and provide a reasonable estimate for release. For requests requiring more than a five-day response, a brief explanation of the time necessary to respond shall be included; or
  4. Deny the request including an explanation of the basis for the denial.
- C. **Need for Additional Time:** Additional time to respond to a request may be based upon the need to:
1. Clarify the scope and intent;
  2. Locate, review, and assemble;
  3. Notify third persons or agencies affected (see Section 12); or
  4. Determine whether any of the information is exempt and whether a denial should be made as to all, or part, of the request.
- D. **Routine Requests:** If a request is for documents of a routine nature, that are readily available, and appropriate for immediate release, this will be defined as an “over the counter” request. At the City’s discretion, an attempt may be made to fill the request while the requestor waits.

Each city department may designate within its own department certain over the counter records available to the public for immediate release or inspection without the requirement of a formal request.

Some routine records (i.e., under ten pages) are often made available to the public at no charge and may not require a Records Disclosure Request Form.

## 6.0

### FINAL RESPONSE TO REQUEST

- A. **Response limited to request:** A request is not continuing in nature. The City must only provide access to public records in existence at the time of the request; it is not obligated to supplement responses. Therefore, if a public record is created or comes into the possession of the City after the request is received by the City, it is not responsive to the request and need not be provided. In the event additional records are created after the date of the requestor's original request, the requestor will need to submit a new request.
- B. **Written Response:** The City's response shall be deemed complete and final upon providing a written response by the City to the requestor that will either:
  - 1. confirm the requester's receipt or inspection of the requested records has been completed;
  - 2. deny the records request and outline the exemptions for denial;
  - 3. notify the requester that the records are available for inspection or production after receipt of any applicable fees; or
  - 4. close the request due to the requester's failure to clarify the scope or intent of their request after the City has sought such clarification in writing.

## 7.0

### INSPECTION OF RECORDS

- A. **Availability of Inspections:** In the event a requestor seeks only to inspect the records, the City shall notify the requestor in writing once the records are available for inspection.
- B. **Duration:** Records that have been assembled for inspection shall be made available to the requestor for a period of no more than (30) thirty calendar days. In the event a requestor fails to inspect the entire set of records or one or more of the installments within the given timeframe, the Public Records Officer or designee will stop searching for the remaining records and close the request. The Public Records officer or designee will:
  - 1. send a written response to the requestor informing them that the request has been closed, and
  - 2. return the records to the originating department.
- C. **Custody:** Due to the potential for loss or damage, all records shall remain in the City's custody. Members of the public may examine records at City Hall or other city owned buildings, but not alter, mark on, destroy an original record during inspection, or remove the physical records from the City.

- D. **Selection:** To select a paper record for copying during an inspection, a requestor must use a nonpermanent method such as a removable adhesive note or paperclip. The City may, in its sole discretion, require City personnel to remain physically present with the requester during the record inspection process.

## 8.0 DISCLOSURE OF RECORDS

- A. **Disclosure:** All public records maintained by the City are available for public inspection unless they are specifically exempted from disclosure by applicable state and federal laws.
- B. **Primary Exemptions:** A listing of the primary exemptions are found at *RCW 42.56.210-480* (a partial list is located in Attachment E). These exemptions are non-inclusive and disclosure of particular information may be required or prohibited by other sources of legal authority. In addition to the above, there are other Washington laws that may prohibit or exempt the disclosure of other classes of information, and informational list of which can also be found in Attachment E.
- C. **Review/Exemptions:** After determining that one or more of the exemptions applies to a particular record or portion, an additional step must be taken in the required disclosure analysis. Records must be reviewed by the public records officer or designee and material that violates a privacy right, or vital government interest, must be identified. The City will provide a redaction log as necessary.
- D. **Redaction:** If a record contains both information that should be disclosed, and some that is exempt from disclosure, the City may redact the exempt information from the record and must disclose the rest (after redaction).
- E. **Written Statement:** If the City refuses to disclose a record or a portion of a record, the City must provide a written statement of the specific exemption relied upon and a brief explanation, including the applicable RCW's, of how the exemption applies to the record withheld.
- F. **Non-Existence:** The City is not required to collect information, to organize data, or to create a record not existing at the time of the request.
- G. **Commercial Purposes:** The City may inquire as to whether a requester is seeking records containing lists of individuals for commercial purposes.
- H. **Website Access to Records:** A variety of records are available on the City of Monroe website at [www.monroewa.gov](http://www.monroewa.gov)

- I. **Later Discovered Records:** The City has no obligation to search for records responsive to a closed request. The City must only provide access to public records in existence at the time of the request; it is not obligated to supplement responses. Therefore, if a public record is created or comes into the possession of the City after the request is received by the City, it is not responsive to the request and will not be provided unless the requestor makes a new request. However, if a record responsive to the request is discovered after a request has been closed, the City will provide the later-discovered records to the requestor.
- J. **Liability:** No public agency, official, employee or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon the release of a public record if the public agency, public official, public employee, or custodian acted in good faith in attempting to comply with the act.

## 9.0 DENIAL OF REQUEST - APPEAL PROCEDURE FOR REVIEW OF DENIED RECORDS

In the event the City denies a request, the requestor may appeal the denial to the City Administrator (City), Police Chief (Police) or their designee. The City Administrator (City), Police Chief (Police), or designee shall be designated to review decisions denying requests. This review will be completed within two business days after the appeal is received. A denial decision is final at the end of the second business day.

## 10.0 DUPLICATION AND TRANSMISSION FEES

- A. Prior to the release of copies of any public record, fees shall be collected according to the City Fees Resolution as outlined below:
  1. **Photocopying** (cost includes paper, supplies, actual cost for postage and delivery, including the cost of envelopes).
    - Minimum of \$0.15 cents a page will be charged to the requestor, except police records which are at \$1.50 dollars for first five (5) pages and \$0.15 cents a page thereafter, to be paid prior to the release of the records;
    - Color copies at \$0.50 cents a page.

At the police department's discretion, crime victims may not be charged copying fees.

2. **Duplication of tape recordings**
    - Copies of audio tapes are \$3 dollars each;
    - Copies of videotapes at \$8 dollars each.
    - Copies of CDs at \$TBD each.
    - Copies of DVDs at \$TBD each.
  3. **Staff Time:** The City may not charge for the staff time spent in locating a public record or for making a record available for inspection.
  4. **Over the Counter Requests:** May be made at no charge (see Section 4.0; Section F)
- B. **Partial/Installment Basis:** In complying with the obligation to make requested records available “promptly”, the City may make records available on a “partial or installment basis” as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure.
1. If the City does make a request available on a partial or installment basis, the City will charge for each part of the request as it is provided.
  2. If an installment of a records request is not claimed or reviewed after 30 calendar days, the City is not obligated to fulfill the balance of the request.
  3. The City may require a deposit in an amount not to exceed ten (10) percent of the estimated cost of providing copies for a request.

## 11.0 NOTIFICATION OF AFFECTED PARTIES: INJUNCTIVE ACTION

- A. **Third Party Rights:** When a request seeks disclosure of a particular record containing information regarding other persons, the City may, in its sole discretion, notify said persons in writing and inform them of their right to seek an injunction from the Superior Court enjoining the disclosure. In such circumstances, production of the requested record may be postponed for a reasonable period in order to provide the affected parties with a reasonable opportunity to seek injunctive relief. The City shall honor any order enjoining disclosure of a particular record issued from a court of competent jurisdiction.
- B. **Notice:** The City’s practice is to give affected parties ten (10) business days notice and indicate the deadline date to avoid any confusion. In some cases, more time may be appropriate such as when numerous notices are required.
- C. **Vital Government Interests:** When a request seeks disclosure of a particular record that would substantially and irreparably damage vital government functions of the City or another public agency, the City may, in its sole discretion, obtain an injunction from the Superior Court enjoining such disclosure. In such circumstances, the City shall postpone disclosure of the requested record until the Superior Court has issued a final ruling concerning the matter.

## 12.0 RECORDS RETENTION

- A. **Retention Schedule:** The City has the obligation to maintain all electronic files and paper records in accordance with the Washington State Archivist Records Retention Schedule.
- B. **Destruction:** If a requested record is scheduled shortly for destruction and the City receives a public records request for it, the record will not be destroyed until the request is resolved.
- C. **Notification:** The City will notify all employees and agents who have control over **requested** documents and files that they should not destroy or otherwise jeopardize the integrity of those documents and files.
- D. **Preservation of Records for Litigation:** Employees must preserve electronic documentation according to the City's Network, Email and Internet Policy 2006-008. The City will designate one individual to take custody or control over protected documents and files during on-going litigation and maintain any additional documents or files, as they are created, if they pertain to on-going litigation and are not protected by Attorney/Client privilege.

## 13.0 ATTACHMENTS

- **ATTACHMENT A:** Records Disclosure Request Form (City and Police)
- **ATTACHMENT B:** Order Regarding Public Records Index; Resolution 2004/024
- **ATTACHMENT C:** Formal Response Letter Template
- **ATTACHMENT D:** Third Party Notification Letter
- **ATTACHMENT E:** RCW 42.56.210-480 and Exemption and Prohibition Statutes Not Listed in Chapter 42.56 RCW

**END OF DOCUMENT**



# RECORDS DISCLOSURE REQUEST FORM

**City of Monroe**  
806 West Main Street  
Monroe, WA 98272-2198  
(360) 794-7400 Fax: (360) 794-4007

**Monroe Police Department**  
818 West Main Street  
Monroe, WA 98272  
(360) 794-6300 Fax (360) 794-3129

**THIS RECORDS DISCLOSURE REQUEST FORM ITSELF CONSTITUTES A PUBLIC RECORD  
AND IS SUBJECT TO PUBLIC DISCLOSURE UPON REQUEST**

|                      |      |                  |       |
|----------------------|------|------------------|-------|
| Date of Request:     |      | Time of Request: |       |
| Name of Requestor:   |      |                  |       |
| Full Address:        |      |                  |       |
| Phone Numbers:       | Day: | Evening:         | Cell: |
| Email (if available) |      |                  |       |

- I wish to have copies/duplicates of the records indicated below.
- I wish to make an appointment to review the records indicated below before copies are made.

|  |   |   |                                  |
|--|---|---|----------------------------------|
| <b>The Location of the Requested Record, if known:</b>   |   |   |                                  |
| <input type="checkbox"/> Administration/Mayor  | <input type="checkbox"/> Admin. Services (HR, Risk Mgmt., Information Technology)   | <input type="checkbox"/> Community Development/Building | <input type="checkbox"/> Finance |
| <input type="checkbox"/> Public Works/Parks  | <input type="checkbox"/> Police   | <input type="checkbox"/> Engineering                    | <input type="checkbox"/> Other   |
| <b>Title and Date of the Requested Record, if known:</b>   |   |   |                                  |
| Please provide a specific description of the requested records and any additional information that will help us locate them for you as quickly as possible. Failure to provide information sufficient to identify the records may cause delay or constitute grounds for denial of the request. |   |   |                                  |
| <b>Police Requests Only:</b>   |   |   |                                  |
| Date of Incident:  |   | Type of Incident:                                       |                                  |
| Location of Incident:  |   | Name of Person involved in case:                        |                                  |
| Your involvement in case   | <input type="checkbox"/> Victim <input type="checkbox"/> Attorney <input type="checkbox"/> Insurer <input type="checkbox"/> Subject <input type="checkbox"/> Witness <input type="checkbox"/> Other: <input type="checkbox"/> |   |                                  |

By signing below, I:

- signify that I understand that there may be charges for duplication of these specific records. A minimum of \$0.15 per page will be charged to the requestor, except police records which are at \$1.50 for first 5 pages and \$0.15 per page thereafter, to be paid prior to the release of the records (staff time, postage, envelopes);
- understand that requesting records and not paying for the associated costs will mean that I must pay for them before my next request will be released;
- certify that any lists of individuals obtained through this request for public records will not be used for commercial purposes.
- understand that the City may provide records on a partial or installment basis and may charge 10% of the estimated cost of providing copies for a request.

Signature \_\_\_\_\_

Date \_\_\_\_\_

**For Official Use Only**

**Date Received:** \_\_\_\_\_ **Time:** \_\_\_\_\_

How Received:  Counter  Mail  Email  Fax (no phone or oral requests)

Estimation of time necessary to provide a final response to requestor: \_\_\_\_\_ Actual Time Spent: \_\_\_\_\_

Acknowledgement Letter on: \_\_\_\_\_ Date Records Dispersed: \_\_\_\_\_ Reviewed By: \_\_\_\_\_

Items Dispersed: \_\_\_\_\_ Items Denied: \_\_\_\_\_

# ATTACHMENT B

## RESOLUTION 2004/024

### A RESOLUTION STATING THAT THE CITY IS NOT REQUIRED TO MAINTAIN A CURRENT INDEX OF PUBLIC RECORDS

WHEREAS, the City of Monroe recognizes that the ever increasing volume of records that it must maintain would make it impossible to provide such list; and

WHEREAS, the City of Monroe records are diverse, complex and stored in multiple locations and in multiple computer systems, formats, and/or databases, it is unduly burdensome, if not physically impossible, to maintain a central index of records; and

WHEREAS, the City of Monroe has determined that the cost to maintain a current index of public records, in these tight economic times, is not an efficient use of public resources; and

NOW THEREFORE, it is hereby resolved by the City Council of the City of Monroe, Washington,

that the City is not required to maintain a current index of Public Records.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, Washington, at a regular meeting thereof held this 15th day of December, 2004.

CITY OF MONROE, WASHINGTON

\_\_\_\_\_  
Donnetta Walser, Mayor

ATTEST: APPROVED AS TO FORM:

\_\_\_\_\_  
Betty King, City Clerk

\_\_\_\_\_  
Phil Olbrechts, City Attorney

# ATTACHMENT C

## Formal Response Letter Template

Date

Name  
Address  
State, Zip

RE: Public Disclosure Request

Dear

On \_\_\_\_\_, 2006 the City of Monroe received your request dated \_\_\_\_\_, 2006 seeking information described on the attached Records Disclosure Request Form.

The City estimates that the records requested will be compiled, administratively reviewed, copied and available for disclosure by \_\_\_\_\_, 2006.

Any records or portions thereof that are exempt from disclosure under state or federal law will be denied or redacted as appropriate, and the justification for any such denial or redaction will be included within the City's final written response.

Sincerely,

attachment

# ATTACHMENT D

## Third Party Notification Letter Template

Date

Name  
Address  
City, State

RE: Public Disclosure Request

Dear

The City of Monroe has received a request for public records dated \_\_\_\_\_, a copy of which is enclosed with this letter. Under the state Public Records Act, the City must make available for inspection and copying all non-exempt documents responsive to this request.

Some of the requested records contain information concerning you. The City has in good faith attempted to redact from these documents all information expressly exempt from disclosure under state law, and intends to disclose the remaining information by the date noted below. However, RCW 42.56.540 specifically authorizes any person named in a public record to request an injunction from the superior court prohibiting the release of that document. The City of Monroe will honor any such order issued by the Snohomish County Superior Court.

Please be advised that the City will release the records at issue on \_\_\_\_\_, 2006. If you desire to seek a court injunction preventing this disclosure, please retain and consult with your own legal counsel for this purpose. The City of Monroe expresses no opinion regarding the probability of success regarding any attempted injunctive action.

Sincerely,

# ATTACHMENT E

## RCW [42.56](#)

### Certain personal and other records exempt. (As of July 1, 2006)

The following **examples** are exempt from public inspection and copying (**list not all inclusive**):

#### **RCW 42.56.230**

##### **Personal information.**

The following personal information is exempt from public inspection and copying under this chapter:

- (1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;
- (2) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;
- (3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (a) be prohibited to such persons by RCW [84.08.210](#), [82.32.330](#), [84.40.020](#), or [84.40.340](#) or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer; and
- (4) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

#### **RCW 42.56.240**

##### **Investigative, law enforcement, and crime victims**

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

- (1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;
- (2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;
- (3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter [9A.44](#) RCW or sexually violent offenses as defined in RCW [71.09.020](#), which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW [40.14.070](#)(2)(b);
- (4) License applications under RCW [9.41.070](#); copies of license applications or information on the applications may be released to law enforcement or corrections agencies; and
- (5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

## **RCW 42.56.250**

### **Employment and licensing.**

The following employment and licensing information is exempt from public inspection and copying under this chapter:

- (1) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;
- (2) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;
- (3) The residential addresses or residential telephone numbers of employees or volunteers of a public agency that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency;
- (4) Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter [49.60](#) RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed;
- (5) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter [49.60](#) RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment; and
- (6) Except as provided in RCW [47.64.220](#), salary and employee benefit information collected under RCW [47.64.220](#)(1) and described in RCW [47.64.220](#)(2).

## **RCW 42.56.270**

### **Financial, commercial, and proprietary information.**

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

- (1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;
- (2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW [47.60.680](#) through [47.60.750](#) or (b) highway construction or improvement as required by RCW [47.28.070](#);
- (3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters [43.163](#) and [53.31](#) RCW, and by persons pertaining to export projects under RCW [43.23.035](#);
- (4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters [43.163](#), [43.160](#), [43.330](#), and [43.168](#) RCW, or during application for economic development loans or program services provided by any local agency;
- (5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter [31.24](#) RCW;
- (6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;
- (7) Financial and valuable trade information under RCW [51.36.120](#);

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter [70.95H](#) RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW [36.102.010](#);

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW [41.05.011](#); and

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW [43.330.050](#)(8) and [43.330.080](#) (4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter.

#### **RCW 42.56.280**

##### **Preliminary drafts, notes, recommendations, intra-agency memorandums.**

Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action.

#### **RCW 42.56.290**

##### **Agency party to controversy.**

Records that are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts are exempt from disclosure under this chapter.

**RCW 42.56.330**  
**Public utilities and transportation.**

The following information relating to public utilities and transportation is exempt from disclosure under this chapter:

(1) Records filed with the utilities and transportation commission or attorney general under RCW [80.04.095](#) that a court has determined are confidential under RCW [80.04.095](#);

(2) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order;

(3) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service; however, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides;

(4) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons;

(5) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety;

(6) Records of any person that belong to a public utility district or a municipally owned electrical utility, unless the law enforcement authority provides the public utility district or municipally owned electrical utility with a written statement in which the authority states that it suspects that the particular person to whom the records pertain has committed a crime and the authority has a reasonable belief that the records could determine or help determine whether the suspicion might be true. Information obtained in violation of this subsection is inadmissible in any criminal proceeding; and

(7) Any information obtained by governmental agencies that is collected by the use of a motor carrier intelligent transportation system or any comparable information equipment attached to a truck, tractor, or trailer; however, the information may be given to other governmental agencies or the owners of the truck, tractor, or trailer from which the information is obtained. As used in this subsection, "motor carrier" has the same definition as provided in RCW [81.80.010](#).

# Exemption and Prohibition Statutes Not Listed in Chapter 42.56 RCW

**RCW 42.56.070 (2):**

For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption.

Some of the exemptions and prohibitions on the list concern public record information that may not be relevant for your jurisdiction. For instance, cities would not normally have records regarding marriage license applications or adoption records.

**Washington State Statutes**

Citation Records

|                         |   |
|-------------------------|---|
| RCW 2.64.111            | Documents regarding discipline/retirement of judges                                 |
| <b>RCW 2.64.113</b>     | <b>Confidentiality violations</b>   |
| RCW 4.24.550            | Information on sex offenders to public  |
| <b>RCW 5.60.060</b>     | <b>Privileged communications</b>  |
| RCW 5.60.070            | Court ordered mediation records   |
| RCW 7.68.140            | Victims' compensation claims  |
| <b>RCW 7.69A.030(4)</b> | <b>Child victims and witnesses – protection of identity</b>                         |
| <b>RCW 7.69A.050</b>    | <b>Rights of child victims and witnesses – addresses</b>                            |
| RCW 7.75.050            | Records of Dispute Resolution Centers   |
| RCW 9.51.050            | Disclosing transaction of grand jury  |
| RCW 9.51.060            | Disclosure of grand jury deposition   |
| RCW 9.02.100            | Reproductive privacy  |
| RCW 9A.82.170           | Financial institution records – wrongful disclosure                                 |
| RCW 10.27.090           | Grand jury testimony/evidence   |
| RCW 10.27.160           | Grand jury reports – release to public only by judicial order                       |
| RCW 10.29.030           | Organized crime special inquiry judge Citation Records Public Records Disclosure 56 |
| RCW 10.29.090           | Records of special inquiry judge proceedings  |
| <b>RCW 10.52.100</b>    | <b>Records identifying child victim of sexual assault</b>                           |
| RCW 10.77.210           | Records of persons committed for criminal insanity                                  |
| <b>RCW 10.97.040</b>    | <b>Criminal history information released must include disposition</b>               |
| <b>RCW 10.97.050</b>    | <b>Conviction and criminal history information</b>                                  |
| <b>RCW 10.97.060</b>    | <b>Deletion of certain criminal history record information, conditions</b>          |
| <b>RCW 10.97.070</b>    | <b>Disclosure of identity of suspect to victim</b>                                  |
| <b>RCW 10.97.080</b>    | <b>Inspection of criminal record by subject</b>                                     |
| RCW 13.32A.090          | Crisis residential centers notice to parent about child                             |
| RCW 13.34.115           | Court dependency proceedings  |
| RCW 13.40.217           | Juveniles adjudicated of sex offenses – release of information                      |
| RCW 13.50.010           | Maintenance of and access to juvenile records                                       |
| RCW 13.50.050           | Juvenile offenders  |
| RCW 13.50.100           | Juvenile/children records not relating to offenses                                  |
| RCW 13.60.020           | Missing children information  |
| RCW 13.70.090           | Citizen juvenile review board – confidentiality                                     |
| RCW 18.04.405           | Confidentiality of information gained by CPA  |
| RCW 18.19.060           | Notification to clients by counselors   |
| RCW 18.19.180           | Confidential communications with counselors   |
| RCW 19.215.020          | Destruction of personal health and financial information                            |
| RCW 19.215.030          | Compliance with federal rules   |
| RCW 26.04.175           | Name and address of domestic violence victim in marriage records                    |
| RCW 26.12.170           | Reports of child abuse/neglect with courts  |

|                          |   |
|--------------------------|---|
| RCW 26.23.050            | Child support orders  |
| RCW 26.23.120            | Child support records   |
| RCW 26.26.041            | Uniform Parentage Act – protection of participants  |
| RCW 26.26.450            | Confidentiality of genetic testing  |
| RCW 26.33.330            | Sealed court adoption records   |
| RCW 26.33.340            | Agency adoption records Citation Records 57 Public Records Disclosure   |
| RCW 26.33.343            | Access to adoption records by confidential intermediary   |
| RCW 26.33.345            | Release of name of court for adoption or relinquishment   |
| RCW 26.33.380            | Adoption – identity of birth parents confidential   |
| 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 27.53.070            | Records identifying the location of archaeological sites  |
| RCW 29.04.100            | Voter registration records – place of registration confidential   |
| RCW 29.07.130            | Voter registration records – certain information exempt   |
| <b>Chapter 40.14 RCW</b> | <b>Preservation and destruction of public records</b>   |
| 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            | Traffic accident reports  |
| RCW 46.52.080            | Non confidentiality disclosure of protected information (whistleblower)   |
| 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 50.13.060            | Access to employment security records by local government agencies  |
| RCW 50.13.100            | Disclosure of non identifiable information or with consent  |
| <b>RCW 51.28.070</b>     | <b>Worker’s compensation records</b>  |
| RCW 51.36.060            | Physician information on injured workers  |
| RCW 60.70.040            | No duty to disclose record of common law lien   |
| RCW 68.50.105            | Autopsy reports   |
| RCW 68.50.320            | Dental identification records – available to law enforcement agencies   |
| Chapter 70.02 RCW        | Medical records – access and disclosure – entire chapter (HC providers)   |
| RCW 70.05.170            | Child mortality reviews by local health departments Citation Records<br>Public Records Disclosure 58                  |
| RCW 70.24.022            | Public health agency information regarding sexually transmitted disease<br>investigations - confidential              |
| RCW 70.24.024            | Transcripts and records of hearings re: sexually transmitted diseases   |
| RCW 70.24.105            | HIV/STD records   |
| RCW 70.28.020            | Local health department TB records – confidential   |
| RCW 70.48.100            | Jail records and booking photos   |
| RCW 70.58.055            | Birth certificates – certain information confidential   |
| RCW 70.58.104            | Vital records, research confidentiality safeguards  |
| RCW 70.96A.150           | Alcohol and drug abuse treatment programs   |
| RCW 70.123.075           | Client records of domestic violence programs  |
| RCW 70.125.065           | Records of rape crisis centers in discovery   |
| RCW 71.05.390            | Information about mental health consumers   |
| RCW 71.05.395            | Ch. 70.02 RCW applies to mental health records  |
| RCW 71.05.400            | Information to next of kin or representative  |
| RCW 71.05.425            | Notice of release or transfer of committed person after offense dismissal   |
| RCW 71.05.427            | Information that can be released  |
| RCW 71.05.430            | Statistical data  |
| RCW 71.05.440            | Penalties for unauthorized release of information   |
| RCW 71.05.445            | Release of mental health information to Dept. of Corrections  |
| RCW 71.05.620            | Authorization requirements and access to court records  |
| RCW 71.05.630            | Release of mental health treatment records  |
| RCW 71.05.640            | Access to treatment records   |
| RCW 71.05.650            | Accounting of disclosures   |
| RCW<br>71.24.035(5)(g)   | Mental health information system – state, county and regional support<br>networks – confidentiality of client records |

|                  |  |
|------------------|--|
| RCW 71.34.200    | Mental health treatment of minors – records confidential                           |
| RCW 71.34.210    | Court records for minors related to mental health treatment                        |
| RCW 71.34.225    | Release of mental health services information                                      |
| RCW 71A.14.070   | Records regarding developmental disability – confidentiality                       |
| RCW 72.09.345    | Notice to public about sex offenders Citation Records 59 Public Records Disclosure |
| RCW 72.09.585(3) | Disclosure of inmate records to local agencies – confidentiality                   |
| RCW 74.04.060    | Applicants and recipients of public assistance                                     |
| RCW 74.04.520    | Food stamp program confidentiality   |
| RCW 74.09.900    | Medical assistance   |
| RCW 74.13.121    | Financial information of adoptive parents  |
| RCW 74.13.280    | Children in out of home placements confidentiality                                 |
| RCW 74.20.280    | Child support enforcement – local agency cooperation, information                  |
| RCW 74.34.095    | Abuse of vulnerable adults confidentiality of investigations and reports           |
| RCW 82.32.330    | Disclosure of tax information  |
| RCW 84.36.389    | Confidential income data in property tax records held by assessor                  |
| RCW 84.40.020    | Confidential income data supplied to assessor regarding real property              |

### Selected Federal Confidentiality Statutes and Rules

|  |  |
|--|--|
| 20 USC § 1232g Family Education Rights and Privacy Act   | 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 USC 654(26) State Plans for Child Support   |
| 42 USC 671(a)(8) State Plans for Foster Care and Adoption Assistance                                   | 42 USC 1396a(7) State Plans for Medical Assistance   |
| 7 CFR 272.1(c) Food Stamp Applicants and Recipients  | 34 CFR 361.38 State Vocational Rehabilitation Services Programs                                  |
| 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 |
| 42 CFR 483. 420 Client Protections for Intermediate Care Facilities for the Mentally Retarded Programs | 42 CFR 5106a(b)(2)(A) Grants to States for Child Abuse and Neglect Prevention and Treatment      |
| 45 CFR 160-164 HIPAA Privacy Rule  |  |