

SOUND CITIES ASSOCIATION PUBLIC RECORDS POLICY

1. AUTHORITY AND PURPOSE

It is the policy of the Sound Cities Association (“SCA”) to release SCA records in compliance with the Washington Public Records Act (“PRA”), Chapter 42.56 RCW, and any other applicable federal or state law.

This policy establishes the procedures SCA will follow in order to provide full access to public records. This policy provides information to persons requesting access to SCA’s public records and establishes request processes for both requestors and SCA staff.

The purposes of this policy are: (1) to describe SCA’s organization and (2) to ensure that SCA complies with the PRA. Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on SCA. SCA reserves the right to apply and interpret this policy within its sole discretion and to revise or change the policy at any time.

This policy shall be available at SCA’s main office and posted on SCA’s website.

2. AGENCY DESCRIPTION

The Sound Cities Association is a Washington Nonprofit Corporation with 35 member cities. Cities within King County founded SCA in the 1970s to help them act locally and partner regionally to create vital, livable communities through advocacy, education, leadership, mutual support, and networking.

SCA’s main office is located at 6300 Southcenter Blvd., Suite 206, Tukwila, WA 98188.

3. PUBLIC RECORDS OFFICER

The Executive Director of SCA shall designate a Public Records Officer.

The Public Records Officer shall oversee SCA’s compliance with the PRA and this policy. The Public Records Officer may delegate the responsibilities of processing requests to other staff. Accordingly, any reference in this Policy to the “Public Records Officer” means the Public Records Officer or applicable designee.

The Public Records Officer shall provide full assistance to requestors, ensure that public records are protected from damage, disorganization, and improper disclosure, and prevent the fulfillment of any PRA request from causing excessive interference with SCA’s essential functions.

4. AVAILABILITY OF PUBLIC RECORDS

Because SCA has limited staff whose duties often require them to be out of the office, SCA does not maintain regular office hours. In order to ensure someone is available to provide assistance

to requestors, records will be made available for inspection and/or copying at SCA's main office by appointment at a mutually convenient time.

Requestors must pay for copies, as provided in this policy and in Chapter 42.56 RCW. Many commonly requested SCA documents are available free of charge on SCA's website at <http://soundcities.org/>.

SCA does not maintain records for its member cities; it maintains only SCA records. If a requestor seeks the records of an SCA member, that request should be directed to the particular member rather than to SCA.

5. MAKING A REQUEST FOR PUBLIC RECORDS

Public Records Act requestors, or those seeking assistance in making a PRA request, are directed to contact:

Public Records Officer
Sound Cities Association
6300 Southcenter Blvd. Suite 206
Tukwila, WA 98188
Phone: (206) 433-7168
E-mail: publicrecordsofficer@soundcities.org

PRA information is also available at the SCA's website: <http://soundcities.org/>.

SCA directs all persons requesting SCA's public records to make their requests in writing on the SCA's request form to the Public Records Officer. The form is available for use by requestors at the office of the Public Records Officer and on-line at: www.soundcities.org/. In order to aid timely disclosure, requests should include the following information:

- a. The name and address of the requestor
- b. The date of the request
- c. A detailed description of the public record being requested
- d. Whether the requestor wants copies, or wants to inspect the requested records
- e. If copies are requested, the address where copies should be mailed
- f. A statement regarding whether the records requested are for commercial purposes
- g. The signature of the requestor

The Public Records Officer shall confirm in writing (e-mail allowed) all oral requests made in person or by telephone, indicating receipt of the information and the substance of the request.

6. PROCESSING PUBLIC RECORDS REQUESTS

6.1 Response to Records Request

Within five business days of receipt of the request, the Public Records Officer shall do one or more of the following:

- a. Notify the requestor in writing that the documents are available;
- b. Send copies to the requestor upon receipt or waiver of copying fees, with a letter acknowledging or closing the request as appropriate;
- c. Send an acknowledgment letter and provide a reasonable estimate of the time necessary for SCA to respond to the request;
- d. If the request is unclear or does not sufficiently identify the requested records, send a letter requesting clarification from the requestor; or,
- e. Send a letter denying the request, including an exemption log if responsive exempt records exist.

SCA reserves the right to direct requestors to the SCA website for commonly requested documents. The Public Records Officer shall assist any requestor who cannot easily access the internet.

6.2 Reasons for Additional Time to Respond

SCA may require additional time to respond to a request based on the need to do any of the following:

- a. Clarify what documents are being sought in the request;
- b. Locate and assemble the information requested;
- c. Use the requested record in SCA's normal course of business;
- d. Notify third persons or agencies affected by the request; or
- e. Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

This list is not exhaustive, and SCA reserves the right to require additional time as permitted by the PRA or other applicable federal or state law.

6.3 Unclear Requests

In acknowledging receipt of a request that is unclear or ambiguous, SCA may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, SCA may deem the request abandoned and need not respond to it.

6.4 Notice to Third Parties

In the event that the requested records contain personal information that identifies an individual or organization or other information that may affect the rights of others, the Public Records Officer may provide notice to those individuals or organizations or such others whose rights may be affected by disclosure. SCA may send this notice to the individual or organization if releasing the personal information could damage the individual or organization, or government operations, or is not in the best interest of the public. The notice to the affected persons shall include a copy of the records request, the date SCA intends to release the record, and how the individual or organization can prevent the record's release. SCA will release such records by the specified date if no one objects or the contacted party does not respond by the specified date. This procedure shall not create any rights to third parties to such notice.

6.5 Records Exempt From Disclosure

Some records are exempt from disclosure, in whole or in part, based on the laws and regulations identified in Appendix A, or under other state or federal law. If SCA believes that a record is exempt from disclosure and should be withheld, the Public Records Officer shall provide an exemption log including the specific exemption and a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

Pursuant to the PRA, SCA reserves the right to seek to enjoin the examination of any specific record if SCA determines that the examination is clearly not in the public interest and will substantially and irreparably damage any person or will substantially and irreparably damage vital governmental functions.

6.6 Providing Electronic Records

When records are requested in an electronic format, the Public Records Officer shall provide the nonexempt records, or portions of the records that are reasonably locatable, in an electronic format that is used by SCA and is generally commercially available, or in a format that is reasonably translatable from the format that SCA keeps the records. SCA will charge an hourly fee for transferring and translating the format of electronic documents.

6.7 Customized Access to Databases

With the consent of the requestor, SCA may provide customized access under RCW 43.41A.130 if the record is not reasonably locatable or not reasonably translatable into the format requested. SCA may charge a fee consistent with RCW 43.41A.130 for customized access.

6.8 Inspection of Records

The requestor must claim or review the assembled records within fifteen (15) days of SCA's notification to the requestor that the records are available for inspection or copying. SCA shall notify the requestor in writing of this requirement and direct the requestor to contact the agency to make arrangements to claim or review the records. If the requestor fails to claim or review the records within the 15-day period or make other arrangements, SCA may consider the request abandoned unless the requestor seeks an additional amount of time to review the records.

SCA shall deny and terminate a requestor's inspection and withdraw the requested records if the Public Records Officer determines that a requestor, when reviewing the records, acts in a manner that will damage or substantially disorganize the records or interfere with other essential SCA functions.

6.9 Protection of Records

In order to protect SCA's public records from damage or disorganization as required by the PRA, SCA shall use the following procedures and practices:

- a. No public records shall be removed from SCA's main office without the Public Records Officer's permission;
- b. Inspection of any public records shall be conducted in the presence of the Public Records Officer or designated staff;
- c. No public record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public;
- d. Public records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by SCA staff; and
- e. Public records may be copied only on SCA copying machines unless other arrangements are made by the Public Records Officer.

6.10 Large Requests - Providing Records in Installments

When the request is for a large volume of records, the Public Records Officer may elect to provide records on an installment basis. In such cases, the Public Records Officer shall provide a reasonable estimate in the initial response as to when the first installment will be available and when the entire request will be completed. The Public Records Officer shall send additional written notice as installments become ready for inspection or copying. If a requestor does not contact the Public Records Officer within 15 days of any such notification to arrange for the review of the first installment or any subsequent installment, SCA may deem the request abandoned and stop fulfilling the remainder of the request.

6.11 Completion of Inspection

Once SCA provides all copies of requested records to the requestor, the requestor has reviewed the requested records, or 15 days have passed since a notice of availability was sent to the requestor and the requestor has failed to contact the Public Records Officer to arrange for the review of those records or for payment for copies, the Public Records Officer shall mail (e-mail allowed) the requestor a "Closing Letter" informing the requestor that SCA has fully responded to the records request. Upon receipt of the Closing Letter, the requestor should immediately inform the Public Records Officer if the requestor does not think SCA has fully complied, or needs additional time to review the records. If the requestor does not respond within ten (10) business days after the Closing Letter was sent, SCA may treat the matter as closed.

6.12 Later Discovered Documents

If, after SCA has informed the requestor that it has provided all available records, SCA becomes aware of additional responsive documents existing at the time of the request, it shall promptly inform the requestor of the additional documents and provide them on an expedited basis.

7. EXEMPTIONS

The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any other statute exempts or prohibits disclosure. Requestors should be aware of PRA exemptions and exemptions outside of the PRA that may restrict or prohibit the SCA's ability to disclose certain documents. Some of these exemptions are described in Appendix A.

The SCA is prohibited by statute from disclosing lists of individuals for commercial purposes.

8. COSTS OF PROVIDING COPIES OF PUBLIC RECORDS

There is no fee for inspecting public records in person at SCA's main office. For records requests requiring copies of documents, the requestor shall pay the appropriate reproduction and mailing costs listed below. The Public Records Officer may elect to waive these fees.

8.1 Reproduction Costs

Black & White Copies (per side)	\$0.15 per page
Color Copies (8½ x 11)	\$0.15 per page
Scanning & PDFs (to supply electronic copies)	\$0.10 per page
Other Electronic Documents	\$36.00 per hour
CD-ROM or DVD	\$1.00 per disc, not inclusive of scanning, PDF, or electronic document transfer fees.
Mailing	Actual cost of postage and mailing materials
Other Media	Actual cost of production

Depending on the size or number of requested copies, document copying may be contracted to another provider, and the actual cost of the copies shall be the responsibility of the requestor.

For larger requests, SCA may require a deposit of up to ten percent of the estimated costs of copying all the records. 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.

8.2 Payment

Payment may be made by cash, check, or money order to the Sound Cities Association.

9. RECORDS PRESERVATION

SCA shall comply with state and federal laws affecting the maintenance and preservation of public records, including but not limited to the guidelines promulgated by the Secretary of State Division of Archives and Records Management.

10. PUBLIC RECORDS INDEX

SCA finds that it would be unduly burdensome and would interfere with SCA operations to maintain an index of records. SCA will make available for public disclosure all indices which may at a future time be developed for SCA use.

11. REVIEW OF PUBLIC RECORDS REQUEST DENIALS

Any person who objects to the initial denial or partial denial of a records request may petition in writing (e-mail allowed) to the Public Records Officer for a review of that decision. The petition must include a copy of, or reasonably identify, the written statement by the Public Records Officer or designee denying the request.

The Public Records Officer shall promptly provide the petition and any other relevant information to SCA's Executive Director. The Executive Director will immediately consider the petition and either affirm or reverse the denial within two business days following SCA's receipt of the petition, or within such other time as SCA and the requestor mutually agree.

Any person may obtain court review of any SCA records decision pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

12. DISCLAIMER OF LIABILITY

Neither the SCA nor any of its officers, employees, officials, or custodians shall be liable, nor shall cause of action exist, for any loss or damage based upon release of public records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the rights of privacy or the rights to inspect and copy public records as they exist under state and federal law. Despite the use of any mandatory terms such as "shall," nothing in this policy is intended to impose mandatory duties on the SCA beyond those imposed by state and federal law.

Appendix A

Exemption and Prohibition Statutes Pertaining to SCA Public Records

The following statutes are listed in addition to any exemptions in Chapter 42.56 RCW. This list is for informational purposes and is not intended to be exclusive or exhaustive. Public records may be exempt from disclosure under other laws.

Washington State Statutes

RCW 5.60.070	Court-ordered mediation records
RCW 19.108.020	Misappropriation of trade secrets
RCW 19.215.020	Destruction of personal health and financial information
RCW 19.34.240(3)	Private digital signature keys
RCW 42.23.070(4)	Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7)	Identity of local government whistleblower
RCW 42.41.045	Non-disclosure of protected information (whistleblower)
RCW 48.62.101	Local government insurance transactions – access to information
RCW 50.13.060	Access to employment security records by local government agencies
RCW 51.28.070	Worker’s compensation records
RCW 51.36.060	Physician information on injured workers

Federal Statutes

42 U.S.C. § 405(c)(2)(vii)(I)	Limits on Use and Disclosure of Social Security Numbers.
5 U.S.C. § 552a	Federal Privacy Act