




"Building A Stronger Community
TOGETHER"

POLICY AND PROCEDURE

Subject: Disclosure of Public Records	Group: Administration	Number: 100-12
Effective Date: January 4, 2010	Supersedes: 100-12 (not dated)	Page 1 of 3
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1.0 PURPOSE:

To develop a guideline for disclosure of the City's public records consistent with the intent of the Public Records Act which is to provide full public access to public records unless specifically exempted by state statutes.

2.0 DEPARTMENTS AFFECTED:

All departments except Shelton Municipal Court which is governed under the Revised Code of Washington RCW 3.50.

3.0 REFERENCES:

Revised Code of Washington 42.56 (inclusive) entitled Public Records Act
City of Shelton Ordinance 1645-0705

4.0 POLICY:

The City of Shelton shall provide for the full and timely disclosure of public records as provided in the Revised Code of Washington (RCW 42.56) and will follow established procedures to ensure public records are made available to the public for inspection and copying. However, the City shall not be required to permit public inspection and copying where prohibited, restricted or limited by the courts, or any state or federal statute or regulation including, but not limited to, records covered under RCW 10.97, the Washington State Criminal Records Privacy Act.

5.0 DEFINITIONS:

Staff Designations:

5.1 Records Officer: The City Clerk has been appointed by the City Commission and will serve as the general point of contact for members of the public requesting disclosure of public records and will oversee compliance with all disclosure requirements.

5.2 Records Designee: Each department shall appoint a Records Designee who will serve as a point of contact for members of the public requesting disclosure of public records from the individual department, and who shall be responsible for coordinating the retrieval, and copying of records for their department. The Records Designee for each department shall be responsible for the lawful disclosure of their department's records.

6.0 PROCEDURE:

6.1 Requests for Public Records: All department offices shall accept requests for disclosure of public records as follows:

6.1.1 Request for Records Outside of Department:

All department offices shall accept public records requests for records not associated with their department and immediately forward the request to the appropriate department's Records Designee. If asked, staff should direct the requester to the appropriate department where the records are located.

6.1.2 Form of Requests:

City staff may ask those requesting records to complete a city-approved public records request form. A staff person who receives a telephone call requesting public records information shall fill out the City's form and clarify as necessary to ensure the request is as clear as possible; or if a requester is present and does not wish to personally fill out a form requesting public records, the staff person helping the requester shall fill out the form.

6.2 Legal Review: The Records Designee from each department shall refer requests to the City Clerk or Clerk's Assistant for clarification as needed. The City Clerk or Clerk's Assistant will seek legal review as necessary.

6.3 Disclosure Process:

6.3.1 Recorded at time of received request:

When a request is received, it shall be entered into a Public Records Request log by the Records Designee and the closure date shall be entered when the request has been completed.

6.3.2 Filled at Time of Request or Within the Five Day Period:

- a. The Records Designee will be responsible for completing the records request.
- b. If possible, staff should make the records available for inspection and/or copying at the time of the request, unless records are exempt from public disclosure.
- c. If more time is necessary, staff should attempt to make the records available for inspection and/or copying within five business days.

6.3.3 Requests that Cannot be Filled within the Five Days:

- a. If the records cannot be produced within the 5-day business period, the Records Designee is responsible for a written response to the requester by acknowledging receipt of request, and estimating the time needed to complete the request.

- b. If the request cannot be filled by the estimated time promised, the Records Designee shall contact the City Clerk or Clerk's Assistant to determine a reasonable amount of time to complete the request. The Records Designee shall provide a written statement to the requestor before the date has passed with the reason for the delay.

6.3.4 Multi-Department Request for Public Disclosure:

If the request involves more than one City department, the Records Designee shall immediately forward the request to the City Clerk or Clerk's Assistant who will notify the other Records Designees. Records Designees will then have the responsibility of filling the request or responding within 3-days to the City Clerk or Clerk's Assistant regarding the time needed to locate the records. Once it has been determined that the City possesses records responsive to a request, the City Clerk's Assistant will coordinate the release of information.

6.3.5 Records to be Redacted or Denied:

- a. Redacted and Denied Records: Redactions and/or denial of City records shall be made only to conform to specific exemptions under the Public Records Act or other statutes allowing or mandating that certain information be withheld. The Records Designee is responsible for citing to the specific RCW sections supporting all redactions and denied records. The Records Designee shall be responsible for completing the disclosure request and contacting the requester to arrange for inspection or disclosure of records. The Records Designee shall keep a copy of all records redacted.
- b. At the time of notification or disclosure, an exemption log shall be provided to the requestor citing the RCW which authorized the redactions and/or withholding of records. This information is legally required and vital in limiting the City's legal liability.

6.3.6 The City Clerk and/or Assistant shall perform random Department audits on completed records requests to ensure on-going compliance with the City's Public Records Policy and State Law.

6.4 Charges for Public Disclosure Records:

6.4.1. Records Designees will collect or invoice fees as allowed under this policy and the City's fee schedule and submit to the Finance Department.

6.4.2 For Requests estimated to be in excess of 50 pages, the City may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies and/or the City may charge for each installment on requests provided on an installment basis. A failure by the requester to pick up any installment of requested public records may relieve the City of its obligation to produce additional installments. Records Designees should confer with the City Clerk or Clerk's Assistant regarding any unclaimed installments.