



PUBLIC RECORDS DISCLOSURE

PURPOSE

The purpose of this policy is to implement and carry out the provisions of the Public Records Act (Chapter 42.56 RCW).

In accordance with the Public Records Act, it is the policy of Public Utility District No. 1 of Grays Harbor County to make available for public review and copying, public records which are not exempt from disclosure under law and which do not violate personal privacy, a privilege, or vital governmental interests while at the same time maintaining the integrity and security of its files and records and preventing excessive interference with other essential functions of the District. Exempt or confidential information will not be disclosed except with proper waiver, Commission approval or legal process.

This policy shall be available at the District's Main Office and posted on the District's Website.

This policy is not an independent or supplemental contract of employment for *any* employee or group of employees, and it is not a promise or guarantee of specific treatment in specific situations. To the extent that there is an irreconcilable conflict between any of the provisions of this policy and a labor contract, the labor contract will have precedence.

REQUIREMENTS

A. DEFINITIONS

1. Act: Refers to the Public Records Act, Chapter 42.56 RCW.
2. District: refers to the Public Utility District No. 1 of Grays Harbor County.
3. Main Office: is defined in Section B of this Policy.
4. Policy: refers to this policy for the Public Records Act.
5. Public Records Officer: is the person identified in Section C of this Policy.
6. Records Request: means a request for Public Records made to the District pursuant to the Act.
7. Requester: means the person or entity that has made a Records Request to the District.

8. Public Record: is defined as any writing which contains information relating to the conduct of government or the performance of any governmental or proprietary function.

9. Writing: is defined as any form of communication or representation, including documents, pictures, computer tapes or disks, and sound recordings.

10. Incidental Public Records Requests: are defined as requests where state or federal law is cited and the records are readily available.

B. PUBLIC RECORDS OFFICER TRAINING

The District must appoint a public records officer to oversee agency compliance with the PRA. Within 90 days of appointment and every four years thereafter, each records officer must complete PRA compliance and records retention training that includes, but is not limited to, records management and retention, production and disclosure of electronic documents, including updating and improving technology information systems.

C. ORGANIZATION OF THE DISTRICT

The District's Main Office is located at: Records Department
2720 Sumner AVE
Aberdeen, WA 98520

The District also provides space to inspect records at: The Nichols Building
220 Myrtle ST
Hoquiam, WA 98550

The District's hours are 8:00 a.m. to 12 noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, except designated legal holidays.

D. PUBLIC RECORDS REQUEST

1. Public Records Officer

The District's Public Records Officer currently is the Records Administrator. All requests should be directed to the Public Records Officer. The Public Records Officer will oversee compliance with the Act but another District staff member may process the request. The Public Records Officer may be contacted in person at the Main Office, via first class mail addressed to the Public Records Officer at the Main Office, via e-mail at [pra2017\(or, current year\)@ghpud.org](mailto:pra2017(or, current year)@ghpud.org), or via fax at (360)-532-6085.

2. How to Make a Public Records Request

Public Records may be inspected or copies of Public Records may be obtained by the public upon compliance with the following procedures:

a) All requests should be delivered to the Public Records Officer, or designee, and not to any other District employee. The District encourages that all requests be made

in writing. A request form, prescribed by the District, is available at the Main Office and on the District's website. It may be mailed, emailed or delivered in person to the Main Office. The request should include the following information:

- I. The name and address of the Requester;
- II. The date of the request;
- III. A detailed description of the public record being requested;
- IV. Whether the Requester wants copies, or wants to inspect the requested records;
- V. The address where copies are to be mailed if copies are requested;
- VI. A statement regarding whether the records are being requested for commercial purpose; and
- VII. Signature of the Requester.

b) When a Records Request is made orally, the District should confirm the request in writing in its initial 5-day response.

c) All Records Requests must be made during the District's normal business hours. Requests received outside of normal business hours will be processed as if received on the next normal business day.

3. Tracking of Requests

All requests will be tracked and managed on a Public Records Act Request Log and will include the following information:

- a) Identity of requestor;
- b) Method in which the request was received;
- c) Date and text of request;
- d) Description of records produced in response to request;
- e) Date the receipt of the request was acknowledged, including the method in which it was acknowledged;
- f) Details of all responses to the requester including, but not limited to, estimates of time, clarification of the request, records provided in response to the request, denial and reasons for denial, whether a request was abandoned, amount of staff time spent on the request and the method(s) in which a response was provided;
- g) Description of records redacted or withheld and the reasons for redaction/withholding;

- h) Date of final disposition of the request;
- i) Costs recovered in fulfilling the request;

E. PROCEDURE FOR RESPONSE TO REQUEST

Only Public Records as defined by RCW 42.56.010 are subject to disclosure.

1. Response

The District will respond promptly to a Records Request. Within five business days of receiving a Records Request, the District shall respond by:

- a) Notifying the Requester that the documents are available; or
- b) Acknowledging the request in writing and providing a reasonable estimate of time the District will require to respond to the request;
- c) Clarifying the request. If the request is unclear, or does not sufficiently identify a public record, acknowledge the request in writing, seek clarification from the Requester and provide a reasonable estimate of time the District will require to respond to the request. Such clarification may be requested and provided by telephone. If the Requestor fails to clarify the request, the District need not respond; or
- d) Denying the Records Request.

2. Large Requests

When a Records Request is for a large volume of records, the District may elect to provide records on an installment basis. If a Requester does not contact the Public Records Officer within 30 days to arrange for the review of the first installment, the District may deem the request abandoned and stop fulfilling the remainder of the request. The District may fulfill smaller requests received after a large request prior to fulfilling the large request.

3. Notice to Third Parties

If the requested records contain information that may be exempt from disclosure, the District may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. The District may take this into account when providing an estimate for when the records will be available. The District should also review any contracts with third parties that may contain special notice provisions. Nothing in this policy is intended to create any right to such notice.

If the District does not respond in writing within five business days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:

- a) Petition the Public Records Officer, the General Counsel, or the General Manager

seeking a disposition of the request.

4. Review of Denials of Public Records Requests

a) Any person who objects to the denial of a request for a Public Record may petition for prompt review of such decision by tendering a written request for review to the Board of Commissioners. The written request shall specifically refer to the written statement by the Public Records Officer or other staff member which constituted or accompanied the denial.

b) Immediately after receiving a written request for review of a decision denying disclosure of a Public Record, the Public Records Officer or other staff member denying the request shall refer it to the Board of Commissioners or the District's General Manager. The Board of Commissioners or the District's General Manager shall immediately consider the matter and either affirm or reverse such denial within two business days following the receipt of the written request for review of the denial of the Public Record.

c) Administrative remedies shall not be considered exhausted until the Board of Commissioners or the District's General Manager has returned the petition with a decision or until the close of the second business day following receipt of the written request for review of the denial of the Public Record, whichever occurs first.

d) For purposes of RCW 42.56.520, the District shall have concluded a Public Record is exempt from disclosure only after the review conducted under this section has been completed.

F. PRODUCTION OF PUBLIC RECORDS

No fee shall be charged for the inspection of Public Records.

The District will determine by the nature of the records and the extent of responsive records for the request how requested copies will be delivered to the Requester. Public Records will generally be provided in electronic form via e-mail, unless it is determined by the District to be more convenient to the Requestor and to the District to produce the request in another format..

1. Public Records Charges

The District will charge one or more of the following charges for production of public records:

a) Fifteen cents per page for standard black-and-white copies;

b) Twenty-five cents per page for color copies;

c) Ten cents per page for any paper documents that are scanned so they can be produced in electronic format.

d) Five cents for every 4 electronic attachments uploaded to an electronic delivery system;

- e) Ten cents per gigabyte transmitting records electronically
- f) Data compilations or customized electronic access services, that are not used by the agency for other purposes, at a rate of \$33 per hour;
- g) The actual cost of copying for any non-standard copies or items, including the charge for staff time necessary for making such copies at a rate of \$27 per hour;
- h) One dollar for a CD, plus the actual cost of the staff time necessary for loading records onto the CD, at a rate of \$27.00 per hour;
- i) Taxes actually charged by any third-party vendor used to make copies; and
- j) Postage and shipping costs, including the cost of any containers used in shipping.¹

The Public Records Officer may elect to waive these fees. Fees will be waived when the expense of billing exceeds the cost of producing the records.

2. Deposits

Before copying any record, the District may charge a deposit up to 10% of the estimated costs. When records are being produced on an installment basis, the District may charge for each installment. The decision not to request a deposit shall not serve to waive the District's right to request a deposit for a future request. If an installment is not claimed and paid for within 30 days, the District is not obligated to fulfill the balance of the Records Request.

G. INSPECTION OF RECORDS

1. Notice

Once the Public Records Officer has collected all responsive records (or the first installment, if the records are being produced on an installment basis), has reviewed the responsive records to remove exempt records, and has prepared an exemption log, if required, the Public Records Officer shall notify the Requester that the records are available.

¹ RCW 43.105.280

2. Response by Requester

If the Requester does not contact the Public Records Officer to arrange for payment of the available records or for review of the records within 30 days after the Notice of Availability Letter is sent, the District may consider the Records Request abandoned, unless the Requester seeks an additional amount of time to review the records.

3. Protection of Records

To ensure Public Records maintained on the premises of the District are protected from damage or disorganization as required by the Act, the following procedures and practices are hereby instituted:

- a) No Public Records shall be removed from District's 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 or scanning, and then only by District staff; and
- e) Public Records of the District may be copied or scanned only on the District equipment, unless other arrangements are made by the Public Records Officer.

4. Loss of Right to Inspect

Inspection shall be denied and the records withdrawn by the Public Records Officer if the Requester, when reviewing records, acts in a manner which will likely damage or substantially disorganize the records or interfere excessively with other essential functions of the District.

5. Closing the File

Once all copies of requested records have been provided to the Requester, the Requester has reviewed the requested records, or 30 days have passed since the Requester was notified that the records were available and the Requester 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 treat the request as closed.

H. INDEX OF PUBLIC RECORDS

For the reasons stated in Resolution 4432 incorporated herein by reference, the District finds that it would be unduly burdensome and would interfere with District operations to maintain an index of records. The District will make available for public disclosure all indices which may at a future time be developed for District use.

I. DISCLAIMER OF LIBABILITY

Neither the District nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public

Records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the rights of disclosure or privacy 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 District beyond those imposed by state and federal law.

Adopted Resolution # 4942
Former Resolution # 2872, 3887, 4443, 4852