

| Clallam 2 Fire Rescue Operational Guidelines<br>Policy and Procedures |                                |
|-----------------------------------------------------------------------|--------------------------------|
| <b>Division XIII<br/>Administrative</b>                               | <b>Public Records Requests</b> |
| Policy Number: 13.14                                                  |                                |
| Effective Date: 6/21/2022                                             | Last Review:                   |

## 13.14 Public Access to District Records

### 13.14.1 Standard Definitions

**Copy** – As used herein, shall mean a duplicate of the record in the same media, except that a “copy” of an electronic stored record shall mean a printout of the record, or in the sole discretion of the Records Officer an electronic version in a commercially available format.

**Electronic Public Record** – Includes all data compilation stored and retained on District computers containing information relating to the conduct or performance of any governmental function prepared, owned, used or retained by the District.

Exception: Electronic public records do not include personal materials entered or stored on District computers by members when using the computers for incidental personal use.

**Record** – As used herein, refers to the “record” available to the public for electronic stored records shall be a printout of the stored record.

**Public Record** – Any hard copy and/or electronic document, book, paper, photograph, map, sound recording or other material, regardless of physical form or characteristics, created or received in connection with the District’s transaction of official business as defined in chapter 42.56 RCW.

Examples include: Original vouchers, receipts, transaction documents relating to the receipt, use, and disposition of property and public funds; agreements and contracts to which the District may be a party; records or documents required by law, etc.

Exception: Public records do not include personal records of District members that may be in the possession of the member or located in their office, personal lockers, or living quarters.

Public records do not include records held by volunteers who: 1) Do not serve in an administrative capacity; 2) Have not been appointed by the District to an agency board, commission, or internship; 3) Do not have a supervisory role or delegated District authority.

**Public Records Officer** – Refers to the individual designated by the Fire Chief with responsibility for overseeing the Fire District’s records management practices.

**Review Authority** – Refers to the individual designated by the District to serve as the point of appeal for reviewing and ruling on appeals to public records request that were denied review. The District’s Review Authority shall be the Fire Chief and/or District legal counsel.

13.14.2 The District shall assign a Public Records Officer (PRO) and prominently post the contact information on the district website and at the administrative offices per RCW 42.56.580.

13.14.3 The District shall respond to records request within five business days by providing the requested materials, acknowledging receipt of the request and asking for clarification, or by responding with a reasonable time when the records can be made available. Large requests that may take months to provide can be released in sections as appropriate. The determination of the time required to respond to the request will be based on a consideration of the following factors:

- Clarity of the request,
- Time required to locate and assemble the information requested,
- Time required to notify third persons or agencies affected by the request,
- Time required to determine whether any of the information requested is exempt,
- Time required to obtain the consent of a person identified in the record if consent is required by statute.
- Current staffing levels and essential job functions that must be performed by staff prior to locating and assembling the record requested.
- Volume of pending public records requests. The general policy of the District shall be to respond to records requests on a first come first serve basis. However, the Records Officer retains discretion to respond to requests out of order of receipt when such out of order responses are more efficient.
- Impact on Essential Functions. The Records Officer has numerous duties in addition to responding to records requests that are essential to the effective operation of the District. In situations where the Records Retention Officer is unable to perform the essential duties and respond to all pending records requests, the Records Officer shall notify the Fire Chief to determine the appropriate action.

13.14.4 The inspection and copying of District records must be conducted under the supervision of authorized District members in order to protect the records. The District has a limited number of office personnel available to provide the required supervision. Therefore, while the District will make every effort to provide prompt responses to record inspection and copying requests, the District cannot permit the response to record requests to unduly interrupt the normal operations of the District.

- 13.14.5 If the District denies a records request, a review will be conducted within two business days by District Review Authority (RCW 42.56.520).
- 13.14.6 No fee shall be charged for inspection of public records. The cost for copies will be fifteen cents per page and ten cents per page for scanned copies provided that copies are picked up directly or emailed. If mailing, postage fees and cost for mailing envelopes will be charged. Charges of less than five dollars may be waived at the District's discretion. (RCW 42.56.120).
- 13.14.7 The District may not maintain a complete current index which provides identifying information as to all of the records maintained by the District when, due to staffing and resource levels, the creation of a complete index would be unduly burdensome to the District.
- 13.14.8 Some records are exempt from disclosure in part or in entirety. (RCW 42.56.070) In addition to the exemptions found in the Public Records Act the following common exemptions are used by the District:
- a) Most records supplied to the Employment Security Department (RCW 42.56.410)
  - b) Records containing specific and unique vulnerability assessments and emergency and escape response plans (RCW 42.56.420(2))
  - c) Comprehensive safe school plans that identify specific vulnerabilities (RCW 42.56.420(3))
  - d) Information regarding infrastructure and security of computer and telecommunications networks to the extent that they identify specific system vulnerabilities
  - e) Agency employee records if the requestor sexually harassed or stalked the agency employee (RCW 42.56.550)
  - f) Mediation communications (RCW 7.07.050(5), 7.07.070)
  - g) Records regarding crime victims (RCW 7.68.140)
  - h) Mental health information regarding persons buying pistols or applying for concealed weapons permits (RCW 9.41.087(2))
  - i) Information pertaining to employees regarding family and medical leave (RCW 50A.05.020(4))
  - j) Personal health care information (RCW 70.02.220 through 70.02.260)
  - k) HIPAA Privacy Rule (45 CFR 160-164)
  - l) Vital records, reports, statistics or data (RCW 70.58A.540, 42.56.365)
- 13.14.9 All administrative staff and Elected Officials will receive records training. Training will be completed no later than 90 days after taking their oath of office or assuming their duties. Refresher training must be completed every four years but the District encourages staff to take refresher training more often as available. (RCW 42.56.150 and RCW 42.56.152).