



Kitsap Regional Coordinating Council

Kitsap Regional Coordinating Council Public Records Procedures

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The Kitsap Regional Coordinating Council seeks to conduct all of its work in an open and transparent nature. To help make sure people have access to records, the agency has prepared the following procedures that represent the best practices of government in the state of Washington, as recommended by the Office of the Attorney General.

SECTION 1. AUTHORITY AND PURPOSE

- a. Chapter 42.56 RCW, the Public Records Act ("the act"), requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public records" to include 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 agency.
- b. This document describes the procedures the Kitsap Regional Coordinating Council (KRCC) will follow in order to provide full access to public records. These procedures provide information to persons wishing to request access to public records of KRCC and establish processes for both requestors and KRCC staff that are designed to best assist members of the public in obtaining such access. These procedures have been written to incorporate best practices for compliance with the act and are based upon and organized according to Model Rules promulgated by the Attorney General of the State of Washington.
- c. The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights, and the desirability of the efficient administration of government. In carrying out its responsibilities under the act, KRCC will be guided by the provisions of the act describing its purposes and interpretation.

SECTION 2. AGENCY DESCRIPTION – CONTACT INFORMATION – PUBLIC RECORDS OFFICER

- a. KRCC serves as a council of governments for Kitsap County. Through KRCC's Interlocal Agreement, it often also serves as a forum for matters of countywide interest. KRCC's mailing address is 614 Division St. MS-4, Port Orchard, WA 98366.
- b. Any person wishing to request access to public records of KRCC, or seeking assistance with making such a request should contact the public records officer of Kitsap County:

Kitsap County's Department of Administrative Services
614 Division Street MS-7
Port Orchard, WA 98366
Phone: 360-307-4261
Fax: 360-337-4874

E-Mail: publicrecords@co.kitsap.wa.us

Information is also available on KRCC's website at www.kitsapregionalcouncil.org.

- c. The public records officer will oversee compliance with the act, but another KRCC staff member may process the request. Therefore, these procedures will refer to the public records officer “or designee.” The public records officer or designee and KRCC will provide the “fullest assistance” to requestors, ensure that public records are protected from damage or disorganization, and prevent the fulfillment of public records requests from causing excessive interference with essential functions of KRCC.

SECTION 3. AVAILABILITY OF PUBLIC RECORDS

- a. **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of Kitsap County, Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding legal holidays. Records may be inspected at Kitsap County’s office (614 Division St. MS-20, Port Orchard, WA 98366).
- b. **Records index.** KRCC finds that maintaining an index is unduly burdensome and would interfere with agency operations. The requirement would unduly burden or interfere with KRCC operations in the following ways:
- The creation of a single index providing the intricate detail described in RCW [42.56.070](#) would interfere with agency operations in that it would take an inordinate amount of staff time to develop.
 - It would be unduly burdensome for agency staff to index each and every of the many varied agency records, given the wide range of agency activities and the agency’s limited staffing levels.

KRCC’s website will, however, index and maintain the following general administrative records to make them available for public inspection and copying:

- Bylaws
- Budget documents
- Summaries and agendas of regular meetings of the KRCC Executive Board and its standing committees.

The public records officer will coordinate responses to public records requests, and responsive records shall be made available for public inspection and copying in accordance with RCW [42.56](#).

- c. **Organization of records.** KRCC will maintain its records in a reasonably organized manner. KRCC will take reasonable actions to protect records from damage and disorganization. A requestor shall not take KRCC records from KRCC offices without the permission of the public records officer or designee. A variety of records is available on the KRCC website at www.kitsapregionalcouncil.org. Requestors are encouraged to view the documents available on the website prior to submitting a records request.
- d. **Making a request for public records**

1. Any person wishing to inspect or copy public records of KRCC should make the request in writing via email address (publicrecords@co.kitsap.wa.us) to the public records officer and including the following information:
 - Name of requestor
 - Address of requestor
 - Other contact information, such as telephone number and any email address
 - Identification of the public records adequate for the public records officer or designee to locate the records
 - The date and time of day of the request
2. If the requestor wishes to have copies of the record made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or at least make a deposit of 10 percent of the cost of copying estimated by the public records officer before copying will commence. Standard black and white 8 1/2" x 11" photocopies will be provided at 15 cents per page.
3. A form is available for use by requestors at KRCC's website:
<http://www.kitsapregionalcouncil.org/contact-us/>.
4. The public records officer or designee may accept request for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.
5. Persons requesting public records that include a list of individuals will be required to provide a declaration under penalty of perjury certifying that the records will not be used for any commercial use (profit-expecting activity) prohibited by RCW [42.56.070\(9\)](#) unless specifically authorized by other law.

SECTION 4. PROCESSING OF PUBLIC RECORDS REQUESTS—GENERAL

- a. **Providing "fullest assistance."** KRCC is charged by statute with adopting rules which provide for how it will "provide full public access to public records," "protect public records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.
- b. **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:
 1. Make the records available for inspection or copying.
 2. If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor.
 3. Provide a reasonable estimate of when records will be available.
 4. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available.

5. Deny the request.
- c. **Consequences of failure to respond.** If KRCC or its applicable agency 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 the failure to respond.
- d. **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.
- e. **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If KRCC 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 a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempted portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.
- f. **Inspection of records**
1. Consistent with other demands, KRCC shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.
 2. The requestor must claim or review the assembled records within 30 days of KRCC's notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim the copies or review the records. If the requestor or a representative of the requestor fails to claim the copies or review the records within the 30-day period or make other arrangements, KRCC may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or similar records, which can be processed as a new request.
- g. **Providing copies of records.** The public records officer or designee shall make the requested copies or arrange for copying upon a deposit of at least 10 percent of the estimated cost of copying. At KRCC's discretion, this deposit may be waived for small requests.
- h. **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within 30 days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

- i. **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 KRCC has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
- j. **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that KRCC has closed the request.
- k. **Later discovered documents.** If, after KRCC has informed the requestor that it has provided all available records, KRCC becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

SECTION 5. PROCESSING OF PUBLIC RECORDS REQUESTS—ELECTRONIC RECORDS

- a. **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.
- b. **Providing electronic records.** When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by Section 7.b.
- c. **Customized access to databases.** With the consent of the requestor, the agency may provide customized access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. KRCC may charge a fee consistent with RCW 43.105.280 for such customized access.

SECTION 6. EXEMPTIONS

- a. 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 the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by KRCC for inspection and copying:
 - KRCC is prohibited by statute from disclosing lists of individuals for commercial purposes.

This list is for informational purposes only; other exemptions not listed here may apply.

SECTION 7. COSTS OF PROVIDING COPIES OF PUBLIC RECORDS

- a. **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for 15 cents per page.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to 10 percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the copies, or the payment of the costs of copying an installment before providing that installment. KRCC will not charge sales tax when it makes copies of public records.

- b. **Costs for electronic records.** If KRCC provides electronic records on an external storage device, it may charge the actual cost for the device. There will be no charge for emailing electronic records to a requestor, unless another cost applies, such as a scanning fee.
- c. **Costs for scanning.** KRCC may charge for scanning existing KRCC paper or other non-electronic records. The rate will be the actual labor cost for scanning, not to exceed 15 cents per page. A statement of factors and the manner used to determine this charge will be made available by the public records officer. KRCC will not charge sales tax for scanning public records
- d. **Costs of mailing.** KRCC may also charge actual costs of mailing, including the cost of the shipping container.
- e. **Payment.** Payment may be made by cash, check, or money order to KRCC.

SECTION 8. REVIEW OF DENIALS OF PUBLIC RECORDS

- a. **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer 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.
- b. **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the Deputy Executive Director of KRCC or, if the Deputy Executive Director is unavailable, another KRCC senior staff person designated by the Deputy Executive Director or the Executive Director. That person will immediately consider the petition and either affirm or reverse the denial within two business days following KRCC's receipt of the petition, or within such other time as KRCC and the requestor mutually agree to.
- c. **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW [42.56.550](#) at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.