Grant County Fire Protection District 3

POLICY AND PROCEDURE

1. NUMBER: 1.1.05

2. SUBJECT: ***Access to Public Records***

3. POLICY: The District is committed to providing the public full access to public records in accordance with the Washington State Public Records Act (PRA), referenced in RCW Chapter 42.56 and the Model Rules of WAC 44-14. The purpose of the PRA is to provide the public with full access to records concerning the conduct of government, mindful of individual privacy rights and the desirability of the efficient administration of government.

This PRA disclosure policy establishes the procedures the District will follow to provide for the fullest assistance to requestors including the timeliest possible action on requests, while protecting public records from damage and preventing "excessive interference with other essential agency functions." RCW 42.56.100 The District must also ensure that its record disclosure policy and procedure protects against the invasion of an individual's right to privacy and restricts access to its records that are exempt from public disclosure.

The inspection and copying of District records must be conducted under the supervision of District personnel to protect the records. The District has a limited number of office personnel available to provide the required supervision. 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.

To ensure the protection of the District records and to prevent the improper disclosure of records, no District personnel shall have access to District records, without the approval of the District Records Retention Officer, unless their regular job duties require access. While District personnel shall have access to District records that they must use in the performance of their assigned duties, they shall not have access to confidential information that is exempt from disclosure and which is not necessary for the performance of their duties. In the event personnel are afforded access to confidential records, they must not improperly use or disclose the information or records.

This policy and procedure shall apply to members of the public and to all District personnel including officers, paid and volunteer employees,

independent contractors who are retained by the District and Commissioners. 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 the District. The District reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time.

4. SCOPE: This Policy and Procedure is applicable to all personnel of the Grant County Fire District 3.

5. RESPONSIBILITIES:

A. The District Fire Chief is responsible for ensuring that this Policy and Procedure is adhered to.

B. All personnel are responsible for complying with this Policy and Procedure and shall report any request for public records to District Fire Chief or designated personnel.

6. DEFINITIONS: ACCESS TO PUBLIC RECORDS DEFINTIONS

A. PUBLIC RECORDS: Public records of the District include any record containing information relating to the conduct or performance of any governmental function prepared, owned, used or retained by the District as defined in chapter 42.56 RCW. Public records do not include personal records unrelated to the business of the District of District employees or officials that may be in the possession of the District, employees, volunteers or commissioners or located in their office, lockers, living quarters or personal electronic devices.

B. ELECTRONIC PUBLIC RECORDS: Electronic public records of the District include all data compilation stored and retained on the District computers containing information relating to the conduct or performance of any governmental function prepared, owned, used or retained by the District. Electronic public records do not include personal materials entered or stored on District computers by employees, volunteers and commissioners when using the computers for incidental personal use.

C. COPY: As used in this policy a “copy “of a record shall mean a duplicate of the record in the same media when feasible. However, in the discretion of the District Records Retention Officer a copy may be a scanned duplicate of a paper record or a modified electronic version in a commercially available format.

D. RECORDS RETENTION OFFICER: The District Records Retention Officer shall be the Administrative Assistant.

E. DISTRICT REVIEW AUTHORITY: The District Review Authority shall be the District legal counsel.

7. PROCEDURE: RECORDS ACCESS AND COPYING

A. Computer Network: In order to maintain the security of the records as required by RCW 42.56.100, District computer hardware shall not be available to the public for review of electronic records.

B. Public Records Availability: The records, or copies of all electronic public records, of the District as defined above are available for public inspection pursuant to these rules, except as otherwise provided by chapter 42.56 RCW and other applicable statutes.

C. Location of Records: The District's public records shall be maintained at the District headquarters station or such other locations as the Board of Commissioners approves. All records shall be in the custody of the District Records Retention Officer who shall be responsible for the implementation of these rules.

D. Hours for Inspection and Copying: The District does not have sufficient resources to staff regular office hours. Consistent with the requirements of the Public Records Act, the Record Retention Officer will generally be available to schedule times during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday excluding legal holidays. The availability of District staff during these hours may be limited by budgetary constraints, staff workloads, volume of public records requests and other factors related to the District's primary purpose of providing its essential functions in the community. Scheduling inspection times in advance is strongly advised to help ensure staff availability.

E. Protection of Public Records: In order to protect public records from damage and disorganization, the following requirements are adopted pursuant to RCW 42.56.100.

1. Public records must be inspected in the presence of a designated District employee.
2. Requestors may not remove public records from the viewing area.
3. Public records may not be marked, altered or defaced by a requestor.

4. Access to file cabinets, shelves, or District storage areas is restricted solely to District personnel.

F. Requests for Public Records: In accordance with the provisions of chapter 42.56 RCW public records may be inspected and copied, or copies obtained by members of the public as follows:

1. Requests shall be made in writing to the District Records Retention Officer on a form provided by the District and shall include the following information:
   a. The name and address of the person requesting the record.
   b. The time of day and calendar date on which the request is made.
   c. The nature of the request.
   d. An appropriate description of the record requested.
   e. If the requested record is a list of individuals a signed statement that the information obtained will not be used for commercial purposes.
2. All mailed or emailed requests shall contain the information described above and shall be mailed to the District headquarters station or emailed to info.grantfire3@gmail.com.
3. In all cases in which a member of the public is making a request it shall be the obligation of the employee to whom the request is made to assist the member of the public in appropriately identifying the public record requested.
4. If an un-written request is received, the Records Retention Officer, or designee shall confirm the specific request in writing.
5. If a requestor refuses to identify themselves or provide sufficient contact information, the District will respond to the extent feasible and consistent with the law.

G. Exemption from Public Inspection:

1. The District reserves the right to determine that a record requested is exempt in whole or in part from public inspection under chapter 42.56 RCW or other applicable statutes.
2. In accordance with RCW 42.56.070 the District reserves the right to delete identifying details when it makes available any public record in any case where there is reason to believe that disclosure of details would be an invasion of personal privacy protected by chapter 42.56 RCW or other applicable statutes.
3. All redactions and all denials of requests for copies of public records shall be accompanied by a written statement specifying the reason for the

denial, including a statement of the specific exemption authorizing the withholding of the record or portion of the record and a brief explanation of how the exemption applies to the record (sample exemption log attached).

H. Duties of Records Retention Officer. The Records Retention Officer shall undertake the following analysis with respect to all records requests:

1. The Records Retention Officer shall review the request form and shall review the requested record to determine the nature of the information contained in the record and to determine whether or not the release of the requested record is exempt from public inspection under chapter 42.56 RCW or other applicable statutes.
2. If the record requested is classified as a medical record the Records Retention Officer shall determine whether the patient has authorized disclosure of the medical record pursuant to RCW 70.02.030. In the absence of patient authorization, the Records Retention Officer shall determine whether the requester is an authorized recipient of the record as defined in chapter 70.02 RCW.
3. If the disclosure of the record requested is restricted by any other federal or state statute, the Records Retention Officer shall comply with the restrictions or the procedure required for the release of the requested information.
4. In the event it is determined that there would be no violation of the right to privacy by the disclosure of the record or any information contained in the record or that the information is not exempt from disclosure, the Records Retention Officer shall determine if the record may be inspected or copied in its entirety and if so, the inspection or copying shall be permitted.
5. In the event the record contains confidential information and public information, the Records Retention Officer shall redact the confidential information, prepare a copy of the record showing only the disclosable portion and release or permit copying of only the public information.
6. In the event the record contains information that affects the privacy interest of a third party or District employee, volunteer or commissioner and the Records Retention Officer reasonably believes that an argument could be made that the record is exempt, the Records Retention Officer shall provide notice, in accordance with RCW 42.56.540, to the affected party of the District's intent to disclose the record. Such notice shall be given at least ten calendar days prior to disclosure of the record.
7. In the event the requested records are located in an employee(s) personnel file, the Records Retention Officer shall provide notice to all affected

employees, the union representative if applicable and the requestor. The notice must state:

a. The date of the request.
b. The nature of thee requested record relating to the employee.
c. That the District will release all non-exempt records and information no sooner than 10 days from the date of the notice.
d. That the employee may seek an injunction under RCW 42.56.540 to enjoin release of the records or information contained therein.

8. The Record Retention Officer shall document all communications with requestors in writing.

I. Response to Request for Records. The Records Retention Officer, within five business days after receipt of the request shall take one of the following actions:

1. In the event the Records Retention Officer determines that the request requires clarification, the Records Retention Officer shall acknowledge receipt of the request and ask the requester to clarify what record the requester is seeking. When requesting a clarification, the Records Retention Officer shall, to the greatest extent possible, also provide a reasonable estimate of the time it would take to produce the records if the request were not clarified. If the requester fails to clarify the request, the Records Retention Officer shall provide no further response to those portions of the request that were not clarified.
2. In the event the Records Retention Officer determines that a full response will take longer than five business days after receipt of the request, the Records Retention Officer shall acknowledge receipt of the request and provide a reasonable estimate of when the District will respond. The determination of the time required to respond to the request will be based on a consideration of the following factors:
   a. Clarity of the request.
   b. Time required to locate and assemble the information requested.
   c. Time required to notify third parties affected by the request.
   d. Time required to determine whether any of the information requested is exempt.
   e. Time required to obtain the consent of a person identified in the record if consent is required by statute.
   f. Current staffing levels and essential job functions that must be performed by staff prior to locating and assembling the record requested.
   g. Volume of pending public records requests. The general policy of the District shall be to respond to records requests on a first come first served basis. However, the Records Retention Officer retains

discretion to respond to requests out of order of receipt when such out of order responses are more efficient.

h. Impact on Essential Functions. The Records Retention 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 Retention Officer shall notify the Board of Commissioners to determine the appropriate action.

3. Provide the record for inspection or provide a copy of the record if requested. For large requests the District shall attempt, where feasible, to release the records in reasonable installments as the records become available.
4. In the event the Records Retention Officer determines the request meets the statutory definition of a "bot request" the District may deny the request if responding to the request would cause excessive interference with other essential functions of the District.
5. Deny the request in whole or in part and redact any exempt information consistent with the redaction and denial requirements specified in this policy. Denials of a patient's request for the patient's medical records shall comply with the requirements specified in RCW 70.02.090.
6. The Record Retention Officer shall notify the requestor in writing when the response to the request is complete.
7. If, within thirty days, the requestor fails to inspect, pick up or pay for the records requested, the public records officer or designee may stop searching for the remaining records and close the request.

J. Review of Denials:

1. Any person who objects to the denial of a request to inspect or copy a public record may petition for a prompt review of the decision by submitting a written request for review to the District Records Retention Officer.
2. Upon receipt of a written request for review of a decision denying inspection or copying of a public record, the District Records Retention Officer shall refer it to the District Review Authority. The District Review Authority shall promptly review the matter and either affirm or reverse the denial. The final decision shall be rendered to the individual who requested the record within two business days after the review request.
3. Administrative remedies shall not be considered exhausted until the District has returned the request with the decision or until a period of five

business days has elapsed after the denial of the request or after the review of the initial denial.

K. Fees: Pursuant to RCW 42.56.120, the District is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons: (1) the District does not have the resources to conduct a study to determine all of its actual copy costs; (2) conducting such a study would interfere with the essential functions of the District and (3) this policy adopts the fee schedules and requirements as provided by the state legislatures in RCW 42.56.120. The following charges shall be imposed to reimburse the District for costs incurred in providing public records:

1. General Records: With the exception of medical incident reports the District shall charge a fee of fifteen cents per page for providing a photocopy or a printout of an electronic record. The District may also charge for the actual cost of any container or envelope used to deliver records and the actual cost of postage or delivery charges.
2. Electronic Records: With the exception of medical incident reports, if records are provided in electronic format the District shall charge a fee of ten cents per page for hard copies scanned into an electronic format and five cents for each four electronic files or attachments transmitted electronically and ten cents per gigabyte for transmitting electronic records. The District may also charge for the cost of the media on which the record is disclosed (CD, DVD, etc.). The Records Retention Officer may waive copying fees as a matter of administrative convenience for small requests.
3. Medical Incident Reports: In accordance with chapter 70.02 RCW the District may charge the rates established by the Department of Health (WAC 246-08-400), which currently establishes a clerical fee for searching and handling requests for medical incident reports of $26.00 for each report. In addition, the District shall charge $1.17 per page for the first 30 pages and $.88 per page for all additional pages of each report copied or printed out. The Records Retention Officer may waive copying fees or use the general record fees as a matter of administrative convenience for small requests.
4. Video and Audio Tapes: The District shall charge the actual cost it incurs in commercially duplicating audio or visual tape records.
5. Customized Service Charge: The District may impose a customized service charge for requests that require the use of IT expertise beyond the level that can be met by staff. In the event District Records Retention Officer determines that IT expertise will be necessary to comply with the

request, the District Records Retention Officer shall use the following procedures:

a. The District Records Retention Officer shall notify the requestor of the charge and shall provide an explanation of why the charge is necessary and shall provide a reasonable estimate of the charge. The requestor shall be provided an opportunity to amend the request to avoid the need for the charge.

6. Deposits: The District may require a deposit of up to 10% of the estimated cost of copying records prior to copying records for a requestor. The District shall not proceed with responding to the request until the deposit is received.
7. Installments If the District releases records on a partial or installment basis, it will charge for each part of the request as it is provided. If, within thirty days, the requestor fails to inspect or pay for an installment, the public records officer or designee may stop searching for the remaining records and close the request.
8. Fee Estimates: The District may, and shall when specifically requested, provide a summary of the estimated applicable charges prior to producing the records and shall allow the requestor to revise the request to reduce the applicable charges.
9. Waiver of Fees: The District will waive the fees identified in this Section 11 in the event the total fee is estimated not to exceed $5.00.

L. Records Index: The District does not maintain a complete current index which provides identifying information as to all of the records maintained by the District because, due to staffing and resource levels, the creation of a complete index would be unduly burdensome to the District.

M. Record Request Log: The Records Retention Officer shall maintain a log of public disclosure requests received by the District. The log shall include the following minimum information

1. Identity of requestor if available.
2. Date request received.
3. Text of original request together with any clarifications received.
4. Description of records produced.
5. Description of any records withheld or redacted and the reasons supporting the withholding or redaction.
6. The final disposition of the request.

N. Medical Records: Records containing individually identifiable health information regarding a District patient are subject to additional protections under

chapter 70.02 RCW and HIPAA. Requests for medical records must be accompanied by the patient's consent or the requestor must identify the legal basis under which the District is authorized to release the record without patient consent.

See Appendix 1.1.05