

## **PUBLIC RECORDS REQUEST**

### *Policy.*

#### **I. Purpose**

The purpose of this chapter is to ensure compliance with the provisions of the Washington Public Records Act, Chapter 42.56 RCW, and other applicable law relating to the public records in custody of and/or maintained by Cowlitz County.

#### **II. Interpretation and Construction**

In applying this chapter, the public records ombudsman, public records coordinators, and staff dealing with public records shall interpret this chapter so that its provisions are liberally construed to promote access to public records, to provide for the fullest assistance to a requestor, to provide the most timely possible action on requests, so as to ensure continuing public confidence in governmental processes, and so as to ensure that the public's interest in the conduct of County government will be fully protected.

#### **III. Definitions**

A. "County Agency" includes every elective office, department, division, bureau, board, commission, or other local public entity within Cowlitz County's governmental structure that is or shall be subject to the provisions of the Public Records Act, Chapter 42.56 RCW, including advisory groups comprised of volunteers appointed to make recommendations to elected officials, and excluding the County Law Library.

B. "Public record" includes any writing containing information relating to the conduct of government or the performance of any County function prepared, owned, used, or retained by any County agency regardless of physical form or characteristics. For purposes of the Public Records Act, Chapter 42.56 RCW, "Public record" does not include records of the Superior or District Courts, or Court records retained by the County Clerk, or records of the Superior Courts or Courts of Limited Jurisdiction.

C. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

### *Procedures.*

#### **IV. Public Records to be Made Available**

Each County agency, as defined in paragraph III, shall make available for public inspection and copying all public records, except as otherwise provided by law.

**V. Exemption From Requirement To Maintain A Current Records Index**

A. The Board of County Commissioners finds that Cowlitz County government is comprised of many branches, boards, departments, divisions, subdivisions, agencies, offices, commissions, and many other County entities that maintain separate and distinct recordkeeping systems. The records are voluminous, diverse, complex, and are stored in incompatible databases. Indexing of these records would be overwhelmingly costly to the Cowlitz County taxpayers, while substantially interfering with effective and timely County office operations. As a result, it would be unduly burdensome, if not physically impossible, to develop an index of those records identified in RCW 42.56.070(3) or as the statute may be amended in the future.

B. No Cowlitz County agency, as defined in paragraph III, is required to maintain an index of public records conforming to the requirements of RCW 42.56.070(3) or as the statute may be amended in the future.

C. Any index maintained by an individual County agency shall be made available for public inspection and copying unless exempt from disclosure or made confidential by law.

**VI. Public Records Coordinators; Policies; Training and Education**

A. *Public Records Coordinators.* At the request of the Clerk of the Board of County Commissioners, County agencies, as defined in paragraph III, shall appoint public records coordinators, whose duties shall include prompt, efficient response to public records requests. The applicable public records coordinator will oversee compliance with the Public Records Act but another staff member may process the request. The public records coordinator or designee will provide the fullest assistance to requesters; ensure that public records are protected from damage or disorganization; and prevent fulfillment of public records requests from causing excessive interference with essential function of Cowlitz County or its agencies.

B. *Public Records Ombudsperson.* The Board of County Commissioners shall appoint a Public Records Ombudsperson. People seeking public records or information available for inspection and copying from Cowlitz County may seek assistance from the Public Records Ombudsperson. The Public Records Ombudsperson may facilitate identification of records which are available for disclosure and minimize unnecessary effort and cost to the County and to persons seeking available records.

C. *Notice to the Public.* A list of names and contact information of the current public records coordinators for agencies of Cowlitz County, to whom members of the public may direct requests for disclosure of public records and who will oversee the County's compliance with the public records disclosure requirements of this chapter, shall be made available in a way reasonably calculated to provide notice to the public, including posting at the administrative offices of each County agency, posting on the County's internet site, and, at the discretion of the Public Records Ombudsperson, in selected County publications.

D. *Training.* The Public Records Ombudsperson, and Public Records Coordinators should attend training classes on the Washington State Public Records Act, 42.56 RCW.

## VIII. Requests for Public Records

A. In accordance with requirements of the Washington Public Records Act that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

*Written Requests.* Requests for access to public records shall be addressed to the Public Records Coordinator of the applicable County agency as set forth below:

<b>Department</b>	<b>Telephone (360)</b>	<b>Fax (360)</b>
<b>911 Communications</b> 312 SW 1st Avenue Kelso, WA 98626	577-3179	414-5529
<b>Assessor</b> 207 4th Avenue North Kelso, WA 98626	577-3010	442-7080
<b>Auditor</b> 207 4th Avenue North Kelso, WA 98626	577-3002	414-5552
<b>Building and Planning</b> 207 4th Avenue North Kelso, WA 98626	577-3052	414-5550
<b>Board of Equalization</b> 207 4th Avenue North Kelso, WA 98626	577-3015	423-9987
<b>Clerk's Office</b> 312 SW 1st Avenue Kelso, WA 98626	577-3016	
<b>Commissioners</b> 207 4th Avenue North Kelso, WA 98626	577-3020	423-9987
<b>Coroner</b> 1946-B 3rd Avenue Longview, WA 98632	577-3079	575-1458
<b>District Court</b> 312 SW 1st Avenue Kelso, WA 98626	577-3073	577-3132
<b>Emergency Management</b> 312 SW 1st Avenue Kelso, WA 98626	577-3130	577-3009
<b>Events Center</b> 1900 7th Avenue Longview, WA 98632	577-3121	577-6254
<b>Financial Management</b> 207 4th Avenue North Kelso, WA 98626	577-3065	423-9987

<b>Health</b> 900 Ocean Beach Hwy Longview, WA 98632	414-5599	425-7531
<b>Human Resources</b> 207 4th Avenue North Kelso, WA 98626	577-3065	577-3028
<b>Human Services</b> 900 Ocean Beach Hwy Longview, WA 98632	501-1201	501-1207
<b>Information Technology (IT) &amp; Geographic Information Systems (GIS)</b> 207 4th Avenue North Kelso, WA 98626	577-3024	423-9987
<b>Jail – Corrections</b> 1935 1st Avenue Longview, WA 98632	577-3094 x 2212	501-6245
<b>Juvenile Court</b> 1725 1st Avenue Longview, WA 98632	577-3100	414-9280
<b>Law Enforcement Records</b> 312 SW 1st Avenue Kelso, WA 98626	577-3095	414-5531
<b>Maintenance</b> 207 4th Avenue North Kelso, WA 98626	577-3027	423-9987
<b>Museum</b> 405 Allen Street Kelso, WA 98626	577-3119	423-9987
<b>Parks</b> 207 4th Avenue North Kelso, WA 98626	577-3027	423-9987
<b>Prosecuting Attorney</b> 312 SW 1st Avenue Kelso, WA 98626	577-3080	414-9121
<b>Public Defense</b> 1800 1st Longview, WA 98632	578-7430	578-7431
<b>Public Works</b> 1600 13th Avenue South Kelso, WA 98626	577-3030	636-0845
<b>Risk Management</b> 207 4th Avenue North Kelso, WA 98626	577-3065	423-9987
<b>Sheriff</b> 312 SW 1st Avenue Kelso, WA 98626	577-3092	423-1047
<b>Superior Court</b> 312 SW 1st Avenue Kelso, WA 98626	577-3085	
<b>Treasurer</b> 207 4th Avenue North Kelso, WA 98626	577-3060	578-2071
<b>WSU Extension</b>	577-3014	423-9986

1946 3rd Avenue  
Longview, WA 98632

**Weeds**

207 4th Avenue North Annex Building  
Kelso, WA 98626

577-3117 414-7081

A request shall be made in writing (or by fax, hand delivery or US mail, upon a form prescribed by the County agency which shall be available at the offices where records are maintained. A request that is made other than upon the form prescribed by the office is permissible, but must provide the information listed in (a) through (e) of this subsection. The request form shall be presented to the public records coordinator of the agency to which the request is directed, or to a member of the staff designated by him or her, if the public records coordinator is not available, at the office during the office hours specified in this chapter. The request shall include the following information:

- a. The name of the person requesting the record, together with appropriate contact information;
- b. The time of day and calendar date on which the request was made;
- c. The nature of the request;
- d. If the request is for a list of individuals, the requestor shall certify that the request is not for commercial purpose, except as provided by State law;
- e. The requestor, at her or his option, may provide additional information necessary to determine the application of a statute or other law authorizing disclosure or exemption from disclosure of the record(s) requested.

3. In all cases in which a member of the public is making a request, it shall be the obligation of the public records coordinator, or designated staff member to whom the request is made, to assist the member of the public in appropriately identifying and locating the public record requested.

B. *Informal Requests.* Certain departments and offices of elected officials, which have records in certain forms which have customarily been open to the public inspection and/or copying, may, at the option of the heads of such departments or elected officials, permit inspection and copying without requiring such requests in writing.

C. *Lack of Existing Records.* County employees are not required to create documents in response to a public records request or to perform research, retrieve data, provide analysis, information or any report relating to the conduct of County business when no document exists that is responsive to the request.

D. *Excessive Interference.* Consistent with other demands and resources, each County agency may adopt policies to prevent the fulfilling of public records requests from causing excessive interference with the essential functions of said agency.

**IX. Hours for Seeking Public Records**

Public records shall be available for inspection and copying during the customary office hours of each County agency, as defined in paragraph III. PROVIDED, that if the agency does not have customary office hours of at least thirty hours per week, the public records shall be available from nine o'clock a.m. to noon (9:00 a.m. to 12:00 p.m.) and from one o'clock p.m. to four o'clock p.m. (1:00 p.m. to 4:00 p.m.), Monday through Friday, excluding legal holidays, unless the person making the request and the agency agree on a different time.

## **X. Response for Request for Public Records**

A. Upon receipt of a request for disclosure of public records, the receiving County agency shall respond promptly. Within five (5) business days of receiving a public records request, the receiving agency shall respond by:

1. Providing the record; or
2. Providing a portion or an installment of the record pending completion of action on the request; or
3. Acknowledging that the office has received the request and providing a reasonable estimate of the time the office will require to respond to the request; or
4. Denying the public records request. Agency responses refusing in whole or in part the inspection or copying of a public record shall include a statement of the record or portion of the record that is being denied and provide the specific exemption authorizing withholding of the record or any part thereof.

B. Additional time for the office to respond to a request may be based upon the need to:

1. Clarify the intent of the request;
2. Locate and assemble the records requested;
3. Notify third parties or agencies affected by the request; or
4. Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

C. In acknowledging receipt of a public record request that is unclear, the County office may ask the requestor to clarify what information the request is seeking. If the requestor fails to clarify the request within fourteen (14) days, the County agency may notify the requestor in writing that no response to the request will be forthcoming.

## **XI. Fees; Production in Installments**

A. *Inspection.* No fee shall be charged for the inspection of public records.

B. *Fees for Copying.* A reasonable charge may be imposed for providing copies of public records and for the use by any person of available County equipment to copy public

records, which charges shall not exceed the amount necessary to reimburse the County for its actual costs directly incident to such copying.

1. Charges for photocopies shall be imposed in accordance with the actual per-page cost or other costs established and published by County departments, offices, agencies, boards, bureaus, divisions or commissions. Except as expressly authorized by statute, in no event may a County agency charge a per-page cost greater than the actual per-page cost as established and published by the various County entities.

2. Requests of a significant nature and magnitude may be copied by a commercial vendor and will be subject to a deposit, based on the estimated cost, before copying.

3. To the extent the individual County agency has not established the actual per-page cost for photocopies of its public records, it may not charge in excess of fifteen cents per page, or as otherwise provided by state law. The County agency is not required to provide records in any form other than their native form. The County may require payment of ten cents per page for documents that are scanned into electronic form. The County agency may also charge the amount per hour for copying information on a CD-ROM or other media, plus the listed cost for each CD-ROM or other media.

C. The actual cost of postage, delivery charges, containers or envelopes used to mail the records to the requestor may be charged.

D. Before beginning to make copies, any County agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request. The County agency may also require the payment of the remainder of the copying costs before providing all the records, whether they include all of the records or an installment. If an agency makes a request available on a partial or installment basis, the agency may require payment for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed or paid for, the agency is not obligated to fulfill the balance of the request.

## **XII. Protection of Public Records**

A. No person shall knowingly alter, disorganize, deface or destroy public records of the agency.

B. Original public records of the agency shall not be removed from the possession of any County agency or its employees, except in the case of commercial copying.

C. The public records ombudsman is authorized to promulgate policies to ensure, to the extent practicable, that requested records are not removed from the premises nor portions thereof removed by member of the public.

## **XIII. Retention of Public Records**

A. *Retention.* Public records of County agencies shall be retained in accordance with retention schedules, or any exceptions to those schedules promulgated by the Washington Secretary of State.

B. *Destruction.* No public record scheduled for destruction under an applicable retention schedule shall be destroyed while the record is subject to a pending public records request.

#### **XIV. Exemptions.**

A. Each County agency has the right to determine that a public record requested in accordance with the procedures outlined in this chapter is exempt under the provisions of the Washington Public Records Act or other law (see Appendix “A”).

B. Each County agency reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure or such details would be an invasion of personal privacy protected by the Washington Public Records Act or other law.

C. All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific statutory or case law basis authorizing the withholding or redacting of the record, a description of the record or portion withheld, and a brief explanation of how the exemption applies to the record withheld.

#### **XV. Review of Denial or Redaction of Public Records**

Each agency public records coordinator, with the advice and consent of the public records ombudsperson, may establish or cause to be established mechanisms for the review of decisions denying inspection of public records for their respective departments of County government. Upon approval by the public records coordinator, each mechanism for review shall be included in the County’s Public Records Procedures, as described in paragraph VI. B. In the absence of such established mechanism, the following procedure shall apply:

**A. Written Request for Internal Review of Denial of Access.** Any person who objects to the initial denial or partial denial of a records request may seek reconsideration of that decision in writing to the public records coordinator of the agency to which the request was directed. The request shall include a copy of or reasonably identify the written statement by the public records coordinator or designee denying the request. A written request for review shall be made within five business days of the decision to deny the request.

**B. Consideration of Petition for Review.** The public records coordinator or designee, following receipt of the written request, shall promptly review the request and any other relevant information and may consult with the Prosecuting Attorney before action on the request. The public records coordinator or designee shall promptly affirm or reverse the denial.

**C. Judicial Review.** Judicial review of all agency or government decisions to deny a public records request may be made pursuant to RCW 42.56.520 - .550.

#### **XVI. Adoption of Form**



A. Requests shall be made to the selected public records coordinator upon a standard for promulgated by the Public Records Ombudsperson for the County designated by the Cowlitz County Board of Commissioners which shall be made available at the office of each agency's public records coordinator and on the County website.

Attention: Public Records Coordinator

**Requestor:** Write the name and contact information for the County Agency in this box.

## Cowlitz County Request for Access to Public Records



Requests and production are governed by Chapter 42.56 RCW

**Instructions:** 1. Complete Section A of the form and County Agency information above. Please print.  
2. Mail, deliver, or fax completed form to the public records coordinator for the Cowlitz County Department/Office shown above, **do not send via Email.**

**SECTION A Requestor / Records Request Information – Please PRINT**

Requestor Name	Business Name
Mailing Address	City, State – Zip Code
Phone Number	Fax Number

**Select One:**  
 Do not make copies, but allow review. I may request copies of specific pages after review.  
 Mail copies\*  Hold copies for pickup\* (prior payment is required for copies mailed or picked up).  
\*I understand that I will be charged \$.15 per page or the published cost of copies requested, whichever is greater, plus mailing cost, if mailing is requested.

**Please describe the SPECIFIC record(s) you are requesting, including date(s):**

**SECTION B The following must also be signed ONLY if you request any list of individuals.**

I understand that Washington State Law (RCW 42.56.070(9)) prohibits the use of lists of individuals for commercial purposes. If applicable to this request, I hereby declare, under penalty of perjury pursuant to the laws of the State of Washington, that I will not use the list of individuals obtained from this request for commercial purposes. If applicable, I also acknowledge that I am solely responsible for any consequences or damages arising from my commercial use of the list of individuals I am obtaining.

If you believe that you are entitled to information, which was not released, or that the information furnished has been incorrectly redacted or is incomplete, you may file a written appeal with the ombudsperson within five (5) business days from the date of the response to your request. The appeal must include your name and address, a copy of this form together with a brief statement identifying the basis of the appeal.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR OFFICIAL USE ONLY – Return completed form to the Public Records Coordinator**

Dept. Receiving Request & Date: \_\_\_\_\_

Response Required by: \_\_\_\_\_ Response Completed Date: \_\_\_\_\_