

Point Roberts Park and Recreation District No. 1

Public Records Request Policy

Adopted August 10, 2015

Section 1. Authority and purpose.

(1) RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" 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. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.

(2) The purpose of these rules is to establish the procedures the Point Roberts Park and Recreation District No. 1 ("District") will follow in order to provide full access to public records.

These rules provide information to persons wishing to request access to public records of the District and establish processes for both requestors and the District commissioners and staff that are designed to best assist members of the public in obtaining such access.

(3) 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. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the District will be guided by the provisions of the act describing its purposes and interpretation.

Section 2 Contact information—Public Records Officer (PRO).

(1) The District's office is located in the Point Roberts Community Center, at 1437 Gulf Road (although there are no scheduled business hours). The District's mailing address is PO Box 156, Point Roberts, WA 98281-0156.

(2) Any person wishing to request access to public records of the District or seeking assistance in making such a request should contact the Public Records Officer (PRO) of the District:

Lynn VanBuskirk, District Secretary
Point Roberts Park and Recreation District
PO Box 156, Point Roberts, WA 98281-0156

Phone: 360-945-5424

Email: Ivanbuskirk.prpr@gmail.com

(3) The PRO will oversee compliance with the act but the Chairperson or other Commissioner of the District may process the request. Therefore, these rules will refer to the Public Records Officer "or surrogate."

The PRO or surrogate and the District will provide the "fullest assistance" to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the District.

Section 3. Availability of public records.

(1) Hours for inspection of records.

Since the District has only one part-time staff (the Secretary, who is the designated PRO) and governing Commissioners who serve as volunteers, without compensation, public records are available for inspection and copying by appointment. The District is committed to making such access as convenient as possible for the public. Records must be inspected at the District office.

Section 4. Making a request for public records.

(1) Any person wishing to inspect or copy public records of the District should make the request in writing on the District's by letter or e-mail, addressed to the Public Records Officer and including the following information:

- (a) Name of requestor;
- (b) Address of requestor;
- (c) Other contact information, including telephone number and any e-mail address;
- (d) Identification of the public records adequate for the PRO to locate the records; and
- (e) The date and time of day of the request.

(2) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and be prepared to pay for copies of the records. Nine pages or less of standard sized black and white photocopies shall be free of charge; requests of 10 pages or more will be charged at 15 cents per page. Payment of a reasonable deposit to cover estimated copying charges may be required.

(3) The PRO or surrogate may accept requests for public records that contain the above information by telephone or in person. If the PRO or

surrogate accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

(4) Some public records may be stored in electronic format. The requestor should indicate whether copies of such records may be delivered electronically (by email) or in hard copy, in which case the printing charges will be the same as photocopying charges specified above.

Section 5. Processing of public records requests--general.

(1) Providing "fullest assistance."

The District is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect 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 PRO will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) Acknowledging receipt of request.

Within five business days of receipt of the request, the PRO will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) 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;

(c) Provide a reasonable estimate of when records will be available; or

(d) 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 PRO or designee may revise the estimate of when records will be available; or

(e) Deny the request.

(3) Consequences of failure to respond.

If the District does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the

PRO and/or Chairperson or other Commissioner(s) of the District to determine the reason for the failure to respond.

(4) 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 PRO 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, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include the relevant text of the request.

(5) Records exempt from disclosure

Some records are exempt from disclosure, in whole or in part. If the District believes that a record is exempt from disclosure and should be withheld, the PRO 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 PRO will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted. See Section 12 for further information on exempted records.

Section 6. Inspection of records.

(1) Consistent with other demands, the District 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 District to copy.

(2) The requestor must claim or review the assembled records within 30 days of the District'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 or review the records. If the requestor or a representative of the requestor fails claim or review the records within the 30-day period or make other arrangements, the District may close the request and re-file the assembled records.

Section 7. Providing copies of records.

After inspection is complete, the PRO shall make the requested copies or arrange for copying.

Section 8. Providing records in installments.

When the request is for a large number of records, the PRO 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 PRO may stop searching for the remaining records and close the request.

Section 9. Completion of inspection.

When all requested copies are provided (other than records exempt from disclosure), the PRO will indicate that the District has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

Section 10. 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 PRO will close the request and indicate to the requestor that the District has closed the request.

Section 11. Later discovered documents.

If, after the District has informed the requestor that it has provided all available records, the District 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 12. Exemptions

(1) 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 that numerous exemptions and disclosure prohibitions are contained in various RCWs. The primary exemptions are found in RCW 42.56.230 through RCW 32.56.480. Requestors may refer to the MRSC website page regarding Public Records Act for more details and references at:

<http://mrsc.org/Home/Explore-Topics/Legal/Open-Government/Public-Records-Act.aspx>

(2) The District is prohibited by statute from disclosing lists of individuals for commercial purposes (RCW 42.46.070(9)).

Section 13. Costs of providing copies of public records.

(1) Costs for paper copies.

There is no fee for inspecting public records. A single records request of nine pages or less (black and white photocopies) will be free of charge. A single request consisting of 10 pages or more will be provided at a charge of 15 cents per page for all pages.

(2) Deposit and Payment.

Before beginning to make the copies, the PRO 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 records, or the payment of the costs of copying an installment before providing that installment. The District will not charge sales tax when it makes copies of public records.

(3) Costs of mailing.

The District may also charge actual costs of mailing, including the cost of the shipping container.

(4) Type of Payment.

Payment may be made by cash, check, or money order to the Point Roberts Park and Recreation District No. 1.

Section 14. Review of denials of public records.

(1) 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 email) to the Board of Commissioners of the District for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the PRO or surrogate denying the request.

(2) Consideration of petition for review.

The Chairperson of the District shall insure that the petition is presented for review and action at the next regularly scheduled meeting of the Board of Commissioners of the District. PRO or surrogate who made the

initial decision to deny shall cooperate fully with the Chairperson and Commissioners in resolving the matter. The Chairperson may at his or her discretion call a Special Meeting of the Commissioners to expedite this process.

(3) Judicial review.

Any person may obtain court review of denials of public records request pursuant to RCW 42.17.340 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.