

ADMINISTRATIVE POLICY: 2014-01

SUBJECT: Disclosure of Public Records

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APPROVED BY: _____

Nabiel Shawa, City Manager

SECTION ONE: Purpose

The City of Walla Walla is committed to providing full access to public records in accordance with the Washington State Public Records Act (Chapter 42.56 RCW). This administrative policy is adopted to provide for the fullest assistance to requestors and the timeliest possible action on requests while protecting public records from damage and preventing excessive interference with other essential functions.

SECTION TWO: Public Records Officer

The City Clerk is designated as the public records officer and shall serve as a point of contact for Public Records Act requests. The public records officer may be contacted at City Hall, 15 North 3rd Avenue, Walla Walla WA 99362, by calling 509-527-4424, faxing to 509-524-7933, or emailing publicrecords@wallawallawa.gov. The public records officer oversees compliance with the Washington State Public Records Act. The public records officer shall develop procedures to comply with this policy.

City staff shall be responsible for providing prompt replies to questions from the public records officer about records that may be responsive to a request.

SECTION THREE: Response to Requests

The City will process requests in the order allowing the most requests to be processed in the most efficient manner. Within 5 business days of receiving a request, the City will either (1) provide the record; (2) acknowledge that it has received the request and provide a reasonable estimate of the time it will require to respond to the request; (3) deny the request; or (4) seek clarification of the request. If a requestor fails to clarify an unclear request, the City will treat the request as having been withdrawn.

This policy does not require the City to answer written questions, create new public records, or provide information in a format that is different from original public records.

SECTION FOUR: Requests for large numbers of records

When the request is for a large number of records, the public records officer will provide access for inspection and copying in installments, if the public records officer determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or claim one or more of the installments, the public records officer may stop searching for the remaining records and close the request.

SECTION FIVE: Failure to claim or inspect records

The requestor must claim or review the assembled records within thirty days of the notification to him or her that the records are available for inspection or copying. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which will be processed as a new request.

SECTION SIX: Replaces Administrative Policy 2008-4

This policy supersedes and replaces Administrative Policy 2008-4 issued May 27, 2008.

Distribution: Directors and Post Online

Public Records Act – Procedures

The purpose of these rules is to establish the procedures the City of Walla Walla will follow to provide full access to public records. These procedures provide information to persons wishing to access public records of the City of Walla Walla and to City employees to assist members of the public in obtaining such access.

1. Public Records Officer:

The City Clerk has been designated as the City's public records officer and may be contacted at:

City of Walla Walla
City Hall
15 North 3rd Avenue
Walla Walla WA 99362
(509) 527-4424 – voice
(509) 524-7933 - fax
publicrecords@wallawallawa.gov – e-mail

Due to the special requirements related to the release of criminal history record information (CHRI), requests for law enforcement records should be directed to:

Walla Walla Police Department
54 E. Moore Street
Walla Walla WA 99362
(509) 527-4434 – voice
(509) 524-7990 - fax
wwpdrecords@wallawallawa.gov – e-mail

The public records officer will oversee compliance with the Public Records Act, but another staff member may process the request. Therefore, these procedures may refer to the public records officer or designee. The public records officer 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 the City of Walla Walla.

2. Requests for public records:

Public records requests generally fall into one of two categories: routine and non-routine records. Requestors must give reasonable notice that a request is for public records. A request using the terms “public records,” “public disclosure,” “FOIA,” or “Freedom of Information Act” (terms commonly used for federal records) is reasonable notice to the City. The requested record must also be clearly identified so the City can locate it.

a. Routine records requests:

Routine records requests are considered by the City to be requests for clearly identified City records that are less than one-year old, are used or accessed frequently in the routine operation of City business, or are readily and easily retrieved and made available at the time of the request. Routine records are also those records that are clearly not exempt from disclosure or subject to redaction; are limited to one or two subjects or files within the same department and/or division; and the numbers of records involved are less than one hundred (100) pages. Many routine records are available on the City's website at

<http://www.wallawallawa.gov/depts/cityclerk/publicrecords>.

- The public may request routine records over the telephone or in-person to the City department and/or division responsible for the records. The public records officer should be contacted if the requestor is unsure of the proper department or division responsible for the records or if the request covers documents in more than one City department and/or division. Written requests are preferred so that the request is clearly identified by City staff as a public records request and to eliminate confusion over the records being sought. E-mail requests for public records must be submitted to publicrecords@wallawallawa.gov (general City records) or wwpdrecords@wallawallawa.gov (police records only) and are deemed received by the City on the date that the e-mail is opened and read by City staff, not the date the e-mail is received on the City's e-mail system.
- City staff members shall attempt to provide access to routine record requests at the time of the request when practicable, providing it does not interfere or unduly disrupt normal business activities. Generally, requests for routine records on one or two subjects or files and/or containing less than one hundred (100) pages will be fulfilled within five (5) business days from the date the request is made. Exceptions may be made due to staff absences or vacancies, time sensitive workload issues, or when the public records officer determines that providing routine records in a particular circumstance will cause excessive interference with the essential functions of City business.

b. Non-routine record requests:

Non-routine record requests are considered to be for records that are more than one-year old; are used or accessed infrequently; or must be retrieved from the City's archives. Non-routine record requests are also those that cover records from more than one City department and/or

division; contain numerous files or subjects; are greater than one hundred (100) pages; are records that are not clearly identified or that may be exempt from disclosure or subject to redaction.

- Requests for non-routine records should be made in writing by letter, e-mail, or fax to the public records officer. E-mail requests for public records must be submitted to publicrecords@wallawallawa.gov (general City records) or wwpdrecords@wallawallawa.gov (police records only) and are deemed received by the City on the date that the e-mail is opened and read by City staff, not the date the e-mail is received on the City's e-mail system.
- A public records request form is available but is not mandatory. The form is available on-line at www.wallawallawa.us under the Quick Links tab, "city documents." The written request should plainly state that it is a request for public records and include the following information:
 - 1) Name and address of requestor.
 - 2) Other contact information, including telephone number and an e-mail address (if available).
 - 3) Identification of the public records sufficient for the public records officer or designee to reasonably identify and adequately locate the records.
 - 4) The date of the request.
 - 5) Whether the request is to inspect the records or have copies provided (see Section 7 for photocopy fees).
- City staff receiving any request for non-routine records should immediately forward the request to the public records officer. No email requests shall be made except to the designated email address for the public records officer.
- Within five (5) days of receiving the public records request, the public records officer will provide an initial response. This initial response will do one of four things:
 - 1) Provide the record;
 - 2) Acknowledge that the City received the request and provide a reasonable estimate of the time necessary to fully respond;
 - 3) Seek clarification of the request; or
 - 4) Deny the request.
- The City will process non-routine record requests in the order allowing the most requests to be processed in the most efficient manner.

3. Inspection of records:

- After notification of availability, public records will be accessible for inspection and/or copying during the normal business hours of the City as designated in Walla Walla Municipal Code Section 2.45.010. (Currently, 8:00 a.m. through 5:00 p.m. Monday through Friday, of each week, except on legal holidays unless otherwise established by the city manager and confirmed by the city council.)
- The City shall provide space to inspect public records. The public shall not be allowed to inspect the City's records in cabinets or vaults.
- The public may not remove any documents from the viewing area or disassemble or alter any document. To select a paper record for copying during an inspection, a requestor must flag the page or document by use of a nonpermanent method such as a removeable adhesive note.
- A requestor shall indicate which documents he or she wishes the City to copy. Since copying facilities are located in "employee only" areas of City facilities, for security purposes and to avoid unreasonable disruption of operations, the City cannot offer these facilities for public use (except for the public copier at the library). City staff will make the requested copies or arrange for copying and the requestor will be charged in accordance with the City's photocopy fees.

4. Failure to respond to a public records request:

If the City of Walla Walla does not respond in writing within five business days of the receipt of the request for records, the requestor should contact the public records officer to determine the reason for the failure to respond.

If within a thirty-day (30) period after notification of availability by the City, the requestor or a representative of the requestor fails to claim or review the records; fails to pay any required deposit; or fails to make other arrangements, the public records officer may close the request; have the assembled records re-filed; and indicate to the requestor that the request has been closed.

5. Providing records in installments:

A public records request may cover a large number of records. The public records officer may determine that it would be practical to provide access for inspection and copying in installments. If, within thirty (30) days of being notified of availability, 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.

6. Procedure for review of denials of requests:

Any person objecting to an 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 identify the written statement by the public records officer or designee denying the request.

The public records officer shall give the petition for review of denial and any other relevant information to the Deputy City Manager. The Deputy City Manager will consider the petition and either affirm or reverse the denial within two business days following receipt of the petition, or within such other time as the City of Walla Walla and the requestor mutually agree to.

Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 prior to the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

7. Fees:

The City of Walla Walla charges \$.15 per copy for standard black and white copies or \$.25 per copy for standard color copies. Other costs for non-standard size copies, conversion of paper records to scanned images, mixed media, photographs, or postage/handling may also be applicable. Some records, such as copies of police reports, accident reports, or GIS records, are charged according to applicable fee schedules. A deposit may also be required depending upon the volume or number of copies requested.

8. Exemptions:

The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. These exemptions are listed in Chapter 42.56 RCW, including the prohibition of disclosing lists of individuals for commercial purposes. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. The following are exemptions, outside the Public Records Act, that restrict the availability of some documents held by the City of Walla Walla.

Washington State Statutes

Citation	Records:
RCW 2.64.111	Documents regarding discipline/retirement of judges
RCW 2.64.113	Confidentiality - violations
RCW 4.24.550	Information on sex offenders to public

RCW 5.60.060	Privileged communications
RCW 5.60.070	Court-ordered mediation records
RCW 7.68.140	Victims' compensation claims
RCW 7.69A.030(4)	Child victims and witnesses – protection of identity
RCW 7.69A.050	Rights of child victims and witnesses – addresses
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 9.51.050	Disclosing transaction of grand jury
RCW 9.51.060	Disclosure of grand jury deposition
RCW 9.02.100	Reproductive privacy
RCW 9A.82.170	Financial institution records – wrongful disclosure
RCW 10.27.090	Grand jury testimony/evidence
RCW 10.27.160	Grand jury reports – release to public only by judicial order
RCW 10.29.030	Organized crime special inquiry judge
RCW 10.29.090	Records of special inquiry judge proceedings
RCW 10.52.100	Records identifying child victim of sexual assault
RCW 10.77.210	Records of persons committed for criminal insanity
RCW 10.97.040	Criminal history information released must include disposition
RCW 10.97.050	Conviction and criminal history information
RCW 10.97.060	Deletion of certain criminal history record information, conditions
RCW 10.97.070	Disclosure of identity of suspect to victim
RCW 10.97.080	Inspection of criminal record by subject
RCW 13.32A.090	Crisis residential centers notice to parent about child
RCW 13.34.115	Court dependency proceedings
RCW 13.40.217	Juveniles adjudicated of sex offenses – release of information
RCW 13.50.010	Maintenance of and access to juvenile records
RCW 13.50.050	Juvenile offenders
RCW 13.50.100	Juvenile/children records not relating to offenses
RCW 13.60.020	Missing children information
RCW 13.70.090	Citizen juvenile review board – confidentiality
RCW 18.04.405	Confidentiality of information gained by CPA
RCW 18.19.060	Notification to clients by counselors
RCW 18.19.180	Confidential communications with counselors
RCW 19.215.020	Destruction of personal health and financial information
RCW 19.34.240(3)	Private digital signature keys
RCW 19.215.030	Compliance with federal rules
RCW 26.04.175	Name and address of domestic violence victim in marriage records
RCW 26.12.170	Reports of child abuse/neglect with courts
RCW 26.23.050	Child support orders
RCW 26.23.120	Child support records
RCW 26.26.041	Uniform Parentage Act – protection of participants
RCW 26.26.450	Confidentiality of genetic testing

RCW 26.33.330	Sealed court adoption records
RCW 26.33.340	Agency adoption records
RCW 26.33.343	Access to adoption records by confidential intermediary
RCW 26.33.345	Release of name of court for adoption or relinquishment
RCW 26.33.380	Adoption – identity of birth parents confidential
RCW 26.44.010	Privacy of reports on child abuse and neglect
RCW 26.44.020(19)	Unfounded allegations of child abuse or neglect
RCW 26.44.030	Reports of child abuse/neglect
RCW 26.44.125	Right to review and amend abuse finding – confidentiality
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 29A.08.720	Voter registration records – place of registration confidential
RCW 29A.08.710	Voter registration records – certain information exempt
RCW 40.14	Preservation and destruction of public records
RCW 42.23.070(4)	Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7)	Identity of local government whistleblower
RCW 42.41.045	Non-disclosure of protected information (whistleblower)
RCW 46.52.080	Traffic accident reports – confidentiality
RCW 46.52.083	Traffic accident reports – available to interested parties
RCW 46.52.120	Traffic crimes and infractions – confidential use by police and courts
RCW 46.52.130(2)	Abstract of driving record
RCW 48.62.101	Local government insurance transactions – access to information
RCW 50.13.060	Access to employment security records by local government agencies
RCW 50.13.100	Disclosure of non-identifiable information or with consent
RCW 51.28.070	Worker's compensation records
RCW 51.36.060	Physician information on injured workers
RCW 60.70.040	No duty to disclose record of common law lien
RCW 68.50.105	Autopsy reports
RCW 68.50.320	Dental identification records – available to law enforcement agencies
RCW 70.02	Medical records – access and disclosure – entire chapter
RCW 70.05.170	Child mortality reviews by local health departments
RCW 70.24.022	Public health agency information regarding sexually transmitted disease investigations - confidential
RCW 70.24.024	Transcripts and records of hearings regarding sexually transmitted diseases
RCW 70.24.105	HIV/STD records
RCW 70.28.020	Local health department TB records – confidential
RCW 70.48.100	Jail records and booking photos
RCW 70.58.055	Birth certificates – certain information confidential
RCW 70.58.104	Vital records, research confidentiality safeguards
RCW 70.96A.150	Alcohol and drug abuse treatment programs

RCW 70.123.075	Client records of domestic violence programs
RCW 70.125.065	Records of rape crisis centers in discovery
RCW 71.05.390	Information about mental health consumers
RCW 71.05.395	Ch. 70.02 RCW applies to mental health records
RCW 71.05.400	Information to next of kin or representative
RCW 71.05.425	Notice of release or transfer of committed person after offense dismissal
RCW 71.05.427	Information that can be released
RCW 71.05.430	Statistical data
RCW 71.05.440	Penalties for unauthorized release of information
RCW 71.05.445	Release of mental health information to Dept. of Corrections
RCW 71.05.620	Authorization requirements and access to court records
RCW 71.05.630	Release of mental health treatment records
RCW 71.05.640	Access to treatment records
RCW 71.05.650	Accounting of disclosures
RCW 71.24.035(5)(g)	Mental health information system – state, county and regional support networks – confidentiality of client records
RCW 71.34.200	Mental health treatment of minors – records confidential
RCW 71.34.210	Court records for minors related to mental health treatment
RCW 71.34.225	Release of mental health services information
RCW 71A.14.070	Records regarding developmental disability – confidentiality
RCW 72.09.345	Notice to public about sex offenders
RCW 72.09.585(3)	Disclosure of inmate records to local agencies – confidentiality
RCW 74.04.060	Applicants and recipients of public assistance
RCW 74.04.520	Food stamp program confidentiality
RCW 74.09.900	Medical assistance
RCW 74.13.121	Financial information of adoptive parents
RCW 74.13.280	Children in out-of-home placements - confidentiality
RCW 74.20.280	Child support enforcement – local agency cooperation, information
RCW 74.34.095	Abuse of vulnerable adults - confidentiality of investigations and reports
RCW 82.32.330	Disclosure of tax information
RCW 84.36.389	Confidential income data in property tax records held by assessor
RCW 84.40.020	Confidential income data supplied to assessor regarding real property

Selected Federal Confidentiality Statutes and Rules

20 USC § 1232g

Family Education Rights and Privacy Act

42 USC 290dd-2	Confidentiality of Substance Abuse Records
42 USC 405(c)(2)(vii)(I)	Limits on Use and Disclosure of Social Security Numbers.
42 USC 654(26)	State Plans for Child Support
42 USC 671(a)(8)	State Plans for Foster Care and Adoption Assistance
42 USC 1396a(7)	State Plans for Medical Assistance
7 CFR 272.1(c)	Food Stamp Applicants and Recipients
34 CFR 361.38	State Vocational Rehabilitation Services Programs
42 CFR Part 2 (2.1 - 2.67)	Confidentiality of Alcohol and Drug Abuse Patient Records
42 CFR 431.300 - 307	Safeguarding Information on Applicants and Recipients of Medical Assistance
42 CFR 483.420	Client Protections for Intermediate Care Facilities for the Mentally Retarded
42 CFR 5106a(b)(2)(A)	Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
45 CFR 160-164	HIPAA Privacy Rule