

## 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 3<sup>rd</sup> Avenue  
Walla Walla WA 99362  
(509) 527-4424 – voice  
(509) 524-7933 - fax  
[publicrecords@wallawallawa.gov](mailto: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  
[wwpdr@wallawallawa.gov](mailto:wwpdr@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:

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 public records request form is available but is not mandatory. The form is available on-line at <https://wallawallawa.gov> under the “I want to” tab and “Find/Request a public record.” 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 (either paper or electronic). (See Section 7 for applicable fees).
- City staff receiving any request for public records should immediately forward the request to the public records officer. The request does not need to be made on the City’s form. No email requests shall be made except to the designated email address for the public records officer. Email requests will be deemed received on the date the email is opened and read and not the date the email is received on the City’s email system.
- The public records officer, and/or designees, will maintain a log of requests as required by RCW 42.56.
- 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.
- Notice to Third Parties. If a public record contains personal information that identifies an individual or organization other than the subject of the requested public record, the City may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. The City may take this into account when providing an estimate for when the records will be available. The City should also review any contracts with third parties that may contain special notice provisions. Nothing in this policy is intended to create any right to such notice.

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 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 five business days following receipt of the petition, or within such other time as the Deputy City Manager determines to be necessary to review the petition.

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 fees set forth in this section are default fees set pursuant to RCW 42.56.120. The City finds that calculating the actual cost of providing public records would be unduly burdensome given the limited staff resources and funding to dedicate to a comprehensive study to determine actual copying costs and that conducting such a study would interfere with the City's other essential agency functions.

No fee shall be charged for the inspection of Public Records.

The City may charge one or more of the following fees for copies of public records:

- Fifteen cents per page for photocopies of public records or printed copies of electronic public records when requested by the person requesting records, if the records exceed twenty pages;
- Ten cents per page for any paper documents that are scanned so they can be produced in electronic format, if the records exceed ten pages;
- Five cents per each four electronic files or attachments uploaded to email, cloud-based data storage service, or other means of electronic delivery;

- Ten cents per gigabyte for the transmission of public records in an electronic format;
- The actual cost of any digital storage media or device provided by the City;
- Cost, including taxes, actually charged by any third-party vendor used to make copies;
- Postage and shipping costs, including the cost of any containers used in shipping;
- Up to a two dollar flat fee as an alternative to other authorized fees when the City reasonably estimates and documents that the costs allowed are clearly equal to or more than two dollars; and
- A customized service charge if the City estimates that the request would require the use of information technology expertise to prepare data compilations or provide customized electronic access services when such compilations or customized access services are not used for any other City purposes. The customized service charge may reimburse the City up to the actual cost of providing the services.
- The actual cost of Body Worn Camera Video Redaction at a rate of \$40.03 per hour or 0.67 per minute. A deposit of an estimated 10% will be required prior to redactions.

**Reference RCW 42.56.240 (14) (f)(i)** *A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.*

*(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.*

*(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law*

## **8. Disclaimer of Liability**

Neither the City nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as "shall," nothing in this policy is intended to impose mandatory duties on the City beyond those imposed by state and federal law.

## **9. 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

|                            |  |
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| RCW 2.64.111               | Judicial conduct commission investigations of judges and initial proceedings   |
| RCW 4.24.550               | Information on sex offenders   |
| RCW 4.24.601 and .611      | Trade secrets and confidential research, development or commercial information re products or business methods   |
| RCW 5.60.060               | Privileged communications  |
| RCW 5.60.070; RCW 7.07.070 | Mediation records  |
| RCW 7.68.140               | Victims' compensation claims   |
| RCW 7.69A.030(4)           | Name, address and photograph of child victim or child witness  |
| RCW 7.69A.050              | Child victims and witnesses of certain crimes – protection of address  |
| RCW 7.75.050               | Records of Dispute Resolution Centers  |
| RCW 9.02.100               | Reproductive privacy   |
| RCW 9.41.097(2)            | Mental health information re persons buying pistols or applying for CPLs   |
| RCW 9.41.129               | Concealed pistol license applications  |
| RCW 9.73.230               | Name of confidential informants in written report on wire tapping  |
| RCW 9.51.050               | Disclosing transaction of grand jury   |
| RCW 9.51.060               | Disclosure of grand jury deposition  |
| RCW 9.73.090(1)(c)         | Prohibition on disclosure of law enforcement dash cam videos until final disposition of litigation   |
| RCW 9A.44.138              | Offender registration information given to high school or institution of higher education re an employee or student  |
| RCW 9A.82.170              | Financial institution records re criminal profiteering act   |
| RCW 10.27.090              | Grand jury testimony/evidence  |
| RCW 10.27.160              | Grand jury reports – release to public only by judicial order  |
| RCW 10.52.100              | Records identifying child victims of sexual assault  |
| RCW 10.77.205              | Information re victims, next of kin, or witnesses requesting notice of release of person found not guilty of a sex, violent, or felony harassment offense by reason of criminal insanity and the notice itself |
| 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, with some exceptions   |
| 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   |

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| RCW 10.97.130     | Information about victims of sexual assault under age eighteen   |
| RCW 10.101.020(3) | Information given by an accused regarding determination for indigent defense                             |
| 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 offender records  |
| RCW 13.50.100     | Juvenile/children records not relating to offenses   |
| RCW 13.60.020     | Missing children or endangered person information  |
| 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 26.33.380     | Adoption – identity of birth parents confidential  |
| RCW 26.44.010     | Privacy of reports on child abuse and neglect  |
| RCW 26.44.031     | Information related to reports of child abuse or neglect   |
| RCW 26.44.125     | Reports, reviews and hearings related to a review of abuse finding                                       |
| RCW 27.53.070     | Records identifying the location of archaeological sites   |
| RCW 29A.08.720    | Voter registration records – place of registration and any decision not to register to vote confidential |
| RCW 29A.08.710    | Voter registration records – certain information exempt  |
| RCW 35.102.145    | Municipal business and occupation tax – local ordinance can protect return or tax information            |
| RCW 36.28A.060(8) | Tactical and intelligence information provided to WASPC  |
| RCW 39.10.470(2)  | Alternative public works - trade secrets or other proprietary information submitted by bidder in         |

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|                  | connection with an alternative public works transaction if data identified and reasons stated in writing                        |
| RCW 39.10.470(3) | Alternative public works – proposals submitted by design-build finalists until notification of highest scoring finalist is made |
| 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 43.43.762    | Contents of statewide criminal street gang database   |
| RCW 46.52.065    | State toxicologist records relating to analyses of blood samples  |
| 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 – limited disclosure   |
| RCW 48.62.101    | Local government insurance/risk management liability reserve funds established to settle claims                                 |
| RCW 50.13.060    | Access to employment security records by local government agencies  |
| RCW 50.13.100    | Disclosure of confidential employment security records allowed if identifying information deleted or with consent               |
| RCW 51.28.070    | Worker’s compensation records confidential–limited disclosure   |
| 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 – confidential – limited disclosure   |
| RCW 68.50.320    | Dental identification records – available to law enforcement agencies   |
| Ch. 70.02 RCW    | Medical records – access and disclosure – entire chapter (information from HC providers)  |
| 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 70.28.020    | Local health department TB records–confidential   |
| RCW 70.41.200    | Hospital quality improvement committee records and accreditation reports  |
| RCW 70.48.100    | Jail records and booking photos   |
| RCW 70.58.055    | Birth certificates – certain information confidential   |

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| RCW 70.58.104       | Vital records, research confidentiality safeguards   |
| RCW 70.94.205       | Washington Clean Air Act – confidentiality of data.  |
| RCW 70.96A.150      | Registration and other records of alcohol and drug abuse treatment programs  |
| RCW 70.123.075      | Client records of domestic violence programs   |
| RCW 70.125.065      | Records of community sexual assault program and underserved populations provider in discovery                      |
| RCW 71.05.425       | Notice of release or transfer of committed person after offense dismissal  |
| RCW 71.05.445       | Release of mental health information to Dept. of Corrections   |
| RCW 71.05.620       | Access to court records related to mental health cases under chapter 71.05 RCW                                     |
| RCW 71.24.035(5)(g) | Mental health information system – state, county and regional support networks – confidentiality of client records |
| RCW 71.34.335       | Mental health treatment of minors – records confidential   |
| RCW 71A.14.070      | Records regarding developmental disability– confidentiality  |
| RCW 72.09.345       | Notice to public about sex offenders – department of corrections access to information                             |
| RCW 72.09.585       | Disclosure of inmate records to local agencies – confidentiality   |
| RCW 73.04.030       | Veterans discharge papers exemption (see related RCW 42.56.440)  |
| RCW 74.04.060       | Applicants and recipients of public assistance   |
| RCW 74.04.520       | Food stamp program confidentiality   |
| RCW 74.13.075(5)    | Juvenile’s status as a sexually aggressive youth and related info  |
| 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**

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|---------------------------------|--|
| 18 USC § 2721 - 2725            | Driver and License Plate Information   |
| 20 USC § 1232g                  | Family Education Rights and Privacy Act  |
| 23 USC § 409                    | Evidence of certain accident reports   |
| 42 USC 290dd-2                  | Confidentiality of Substance Abuse Records                                     |
| 42 USC § 405(c)(2)(C)(viii) (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                    | Grants to States for Child Abuse and Neglect Prevention and Treatment Programs |
| 45CFR 160-164                   | HIPAA Privacy Rule   |
| 46CFR 40.321                    | USCG regulations regarding confidentiality                                     |