

Managing Requests for Public Records

Definitions:

Public Record: 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.

Writing: Any handwriting, typewriting, printing, Photostatting, 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. (RCW 42.17.020(48)). An email is a "writing."

This policy applies to all persons requesting public records from Community Transit and to personnel providing public records.

1. Community Transit Complies With the Public Records Act

Community Transit discloses public records in accordance with the Public Records Act of the State of Washington, codified in RCW 42.56. Community Transit adopts the model procedural rules, as follows, adopted by the State as its procedural rules for disclosing public records.

2. Authority and Purpose Established (WAC 44-14-010)

RCW 42.17.260(1)/42.56.070(1) requires Community Transit to make available for inspection and copying nonexempt public records in accordance with published rules. RCW 42.17.260(2)/42.56.070(2) requires Community Transit 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.

The purpose of these rules is to establish the procedures Community Transit 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 Community Transit and establish processes for both requestors and Community Transit staff that are designed to best assist members of the public in obtaining such access.

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, Community Transit will be guided by the provisions of the act describing its purposes and interpretation.

3. Public Disclosure Officer is Point of Contact for Access to Public Records

Community Transit provides public transportation services to Snohomish County's Public Transportation Benefit Area. Community Transit's central office is located at 7100 Hardeson Road, Everett, WA 98203. Community Transit also has facilities at Kasch Park Operating Base located at 2300 Kasch Park Road, Everett, WA 98204, and the RideStore at Lynnwood Transit Center, located at 20110 46th Ave. W., Lynnwood, WA 98036.

Any person wishing to request access to public records of Community Transit, or seeking assistance in making such a request should contact the public records officer of Community Transit:

Rachel Woods
Public Disclosure Officer
Community Transit
7100 Hardeson Road
Everett, WA 98203
425.438.6158
425.438.6140 (fax)
rachel.woods@commtrans.org

Information is also available at Community Transit's website at www.communitytransit.org.

The public records officer will oversee compliance with the act but another Community Transit staff member may process the request. Therefore, these rules will refer to the public records officer or designee. The public records officer or designee and Community Transit 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 Community Transit.

4. Records Available During Normal Business Hours

Public records are available for inspection and copying during normal business hours of Community Transit, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at the offices of Community Transit.

5. Records Index Not Kept by Community Transit

Community Transit finds that maintaining an index is unduly burdensome and would interfere with agency operations, due to the size of the agency and minimal resources. However, Community Transit staff will give the public the fullest assistance practicable in identifying and disclosing public records.

6. Community Transit Organizes and Protects Records

Community Transit will maintain its records in a reasonably organized manner. Community Transit will take reasonable actions to protect records from damage and

disorganization. A requestor shall not take Community Transit records from Community Transit offices without the permission of the public records officer or designee. A variety of records is available on the Community Transit website at www.communitytransit.org. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

7. Requests for Public Records are Submitted to Community Transit's Public Records Officer

Any person wishing to inspect or copy public records of Community Transit should make the request in writing on Community Transit's request form, or by letter, fax, or email addressed to the public records officer and including the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any email address;
- Identification of the public records adequate for the public records officer or designee to locate the records; and
- The date and time of day of the request.

If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to RCW 42.17.300, standard photocopies will be provided at 15 cents per page.

A form is available for use by requestors at the office of the public records officer and online at www.communitytransit.org.

The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

8. Community Transit Provides the Fullest Assistance to Requestors

Community Transit 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 public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

9. Community Transit Responds Within Five Days of Receipt of Request

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

- Make the records available for inspection or copying;
- 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;
- Provide a reasonable estimate of when records will be available; or

- 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 public records officer or designee may revise the estimate of when records will be available; or
- Deny the request.

If Community Transit does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

10. Community Transit Protects the 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 public records officer 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 a copy of the request.

11. Some Records Are Exempt From Disclosure

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 exemptions, outside the Public Records Act, also restrict the availability of some documents held by Community Transit for inspection and copying.

Community Transit is prohibited by statute from disclosing lists of individuals for commercial purposes.

If Community Transit believes that a record is exempt from disclosure, in whole or in part, and should be withheld, the public records officer 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 public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

12. Inspection of Records Should Occur Within Thirty Days of Notification

Consistent with other demands, Community Transit 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 agency to copy.

The requestor must claim or review the assembled records within thirty days of Community Transit'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 to claim or review the records within the thirty-day period or make other arrangements, Community Transit may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

13. Copies of Records May Be Requested

After inspection is complete, the public records officer or designee shall make the requested copies or arrange copying.

14. Records May Be Provided in Installments

When the request is for a large number of records, the public records officer or designee 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 thirty days, 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.

15. Community Transit Informs Requestor When Request is Closed

When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that Community Transit has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

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 public records officer will close the request and indicate to the requestor that Community Transit has closed the request.

16. Later Discovered Documents Are Promptly Provided

If, after Community Transit has informed the requestor that it has provided all available records, Community Transit 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.

17. Electronic Records Are Requested in the Same Way as Paper Records

The process for requesting electronic public records is the same as for requesting paper public records. When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by WAC 44-14-07003.

18. Community Transit May Charge for Copying Records

The following copy fees and payment procedures apply to requests made to Community Transit under chapter 42.56 RCW and received on or after July 23, 2017:

Pursuant to RCW 42.56.120(2)(b), Community Transit is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons: (1) Community Transit does not have the resources to conduct a study to determine all its actual copying costs; (2) to conduct such a study would interfere with other essential agency functions; and (3) through the 2017 legislative process, the public and requesters have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120(2)(b) and (c), (3) and (4).

Community Transit will charge for copies of records pursuant to the default fees in RCW 42.56.120(2)(b) and (c). Community Transit will charge for customized services pursuant to 42.56.120(3). Under RCW 42.56.130, Community Transit may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. Community Transit may enter into an alternative fee agreement with a requester under RCW 42.56.120(4). The charges for copying methods used by the office are summarized in the fee schedule available on the agency's website at www.communitytransit.org.

Requesters are required to pay for copies in advance of receiving records. Fee waivers are an exception and are available for some small requests under the following conditions:

- (1) It is within the discretion of the public records officer to waive copying fees when: (a) all of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or (b) all of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of 100 printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requester will be charged in accordance with this rule.
- (2) Fee waivers are not applicable to records provided in installments.

The public records officer may require an advance deposit of ten percent of the estimated fees when copying fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

All required fees must be paid in advance of release of the copies or an installment of copies, or in advance of when a deposit is required. Community Transit will notify the requester of when payment is due.

Payment should be made by check or money order payable to Community Transit. The agency prefers not to receive cash. For cash payments, it is within the public records officer's discretion to determine the denomination of bills and coins that will be accepted.

Community Transit will close a request when a requester fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

19. Requestors May Petition for Internal Administrative Review of Public Records Denials

Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

The public records officer shall promptly provide the petition and any other relevant information to the Chief Executive Officer or designee. That person will immediately consider the petition and either affirm or reverse the denial within five business days following Community Transit's receipt of the petition, or within such other time as Community Transit and the requestor mutually agree to.

Approved by: <u>Emmett Heath, CEO</u> Written by <u>Jan McBride</u>
Cancels or supersedes: Policy approved April 15, 2012
Last reviewed: April 2012
See also: Resolution No. <u>17-03</u> ; RCW 42.56