

**ORDINANCE NO. 2006-09**

**AN ORDINANCE ESTABLISHING PUBLIC RECORDS PROCEDURES**

**WHEREAS**, the purpose of the Public Records 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; and

**WHEREAS**, the Public Records Act requires public agencies to adopt and enforce reasonable rules and regulations to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency;

**NOW THEREFORE BE IT RESOLVED** by Skamania County Board of Commissioners that a new Chapter 2.72, titled Public Records Procedures is hereby added to the Skamania County Code Title 2, as follows:

**CHAPTER 2.72  
PUBLIC RECORDS**

- 2.72.010 Authority and Purpose
- 2.72.020 Public Records Officer Contact Information
- 2.72.030 Availability of Public Records
- 2.72.040 Processing of Public Records Requests - general
- 2.72.050 Exemptions
- 2.72.060 Costs of Providing Copies of Public Records
- 2.72.070 Review of Denials of Public Records

**2.72.010 Authority and Purpose**

- A. The Public Records Act 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. Each agency is required 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.
- B. The purpose of these rules is to establish procedures Skamania County 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 Skamania County and establish processes for both requestors and Skamania County staff that are designed to best assist members of the public in obtaining such access.

- C. 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, Skamania County will be guided by the provisions of the Act describing its purposes and interpretation.

#### **2.72.020 Public Records Officer Contact Information**

- A. Any person wishing to request access to public records of Skamania County, or seeking assistance in making such a request, should contact the public records officer of Skamania County:

Public Records Officer  
Skamania County Prosecutor  
240 NW Vancouver Avenue  
PO Box 790  
Stevenson, WA 98648  
509-427-3790

Information is also available at Skamania County's web site at [www.skamaniacounty.org](http://www.skamaniacounty.org)

- B. The public records officer will oversee compliance with the Act but another public records officer or department 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 Skamania County 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 County.
- C. If the person requesting public records knows which office or department has custody or control of the requested records, the request may be made directly to the public records officer designated as follows:
1. Each elected official, with the exception of the Board of County Commissioners, is the public records officer for the offices and departments administered by the elected official, unless otherwise designated by an elected official.
  2. The Superior Court Administrator is the public records officer for the Superior Court Judge.
  3. The District Court Administrator is the public records officer for the District Court Judge.
  4. The Clerk of the Board of County Commissioners is the public records officer for the Board of County Commissioners.
  5. Each department head or program manager is the public records officer for the offices and departments under the Board of County Commissioners.

6. Clerks of the following Boards:

- Boundary Review Board
- Board of Equalization
- Civil Service Board
- Disability Board

D. Each public records officer shall be responsible for implementation of and compliance with this Chapter and the Public Records Act.

### **2.72.030 Availability of Public Records**

A. Public Records shall be inspected at the offices of the elected official or department having custody or control of the records. Public records shall be available for inspection between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday, excluding legal holidays, provided that there is no obligation to allow inspection immediately upon a demand. The public records officer or designee may request that the person seeking to inspect public records schedule an appointment for inspection. No member of the public may remove a document from the viewing area or disassemble or alter any document. Original public records shall not be released to the public for any purpose. The requestor shall indicate which documents he or she wishes the agency to copy.

B. The requestor must claim or review the assembled records within thirty-days (30) of Skamania County'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 (30) period or make other arrangements, Skamania County 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.

C. **Records index.** Due to the number of elected offices and departments in the County, various software programs, various locations, and methods of storing public records, Skamania County finds that maintaining an index of all County records is unduly burdensome and would interfere with agency operations.

D. **Organization of records.** Skamania County will maintain its records in a reasonably organized manner. Skamania County will take reasonable actions to protect records from damage and disorganization. A requestor shall not take County records from County departments or offices. A variety of records are available on Skamania County's web site at [www.skamaniacounty.org](http://www.skamaniacounty.org). Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

## **E. Making a request for public records.**

1. Any person wishing to inspect or copy public records of Skamania County should make the request in writing on the County's request form or by letter, fax, or e-mail addressed to the public records officer and shall include the following information:
  - Name of requestor;
  - Address of requestor;
  - Other contact information, including telephone number and any e-mail 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 request is for a list of individuals, the requester will be required to sign under penalty of perjury that such information will not be used for commercial purposes.

2. A requestor must request an identifiable record or class of records. An identifiable record is one that is in existence at the time of the request and that agency staff can reasonably locate. An agency is not required to create a public record in response to a request. A request for information in general is not considered a request for an identifiable record.
3. 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.
4. A form is available for use by requestors at the office of the public records officer, each County department, and on line at [www.skamaniacounty.org](http://www.skamaniacounty.org).

## **2.72.040 Processing of public records requests - general.**

- A. **Providing fullest assistance.** Skamania County 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. The public records officer or designee may communicate with the requestor by letter or e-mail, as may be appropriate.
- B. **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:
  1. Make the records available for inspection or copying;
  2. 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;
  3. Provide a reasonable estimate of when records will be available; or

4. 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 or e-mail. The public records officer or designee may revise the estimate of when records will be available; or
  5. Deny the request.
- C. **Consequences of failure to respond.** If Skamania County 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.
- D. **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 public records officer or designee 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.
- E. **Records exempt from disclosure.** Some records are exempt from disclosure in whole or in part. If Skamania County believes that a record is exempt from disclosure and should be withheld, the public records officer or designee 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 non-exempt portions, and indicate to the requestor why portions of the record are being redacted.
- F. **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.
- G. **Providing records 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.
- H. **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that Skamania County has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
- I. **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 for the requested copies, the public records officer will close the request and indicate to the requestor that Skamania County has closed the request.

J. **Later discovered documents.** If, after Skamania County has informed the requestor that it has provided all available records, Skamania County 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.

## 2.72.050 Exemptions

A. 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. The following list includes, but is not limited to, some of the exemptions outside the Public Records Act that restrict the availability of some documents held by Skamania County for inspection and copying. A more inclusive list of exemption and prohibition statutes is listed in Appendix C of the Public Records Act for Washington Cities and Counties.

RCW 4.24.550	Information on sex offenders to public – Certain information exempt
RCW 5.60.060	Privileged Communications
RCW 7.69A.030(4)	Child Victims and Witnesses - Protection of Identity
RCW 10.97	The Criminal Records Privacy Act
RCW 13.50	Juvenile Records Act
RCW 19.108	Uniform Trade Secrets Act
RCW 29A.08.710	Voter Registration Records - Certain information exempt
RCW 40.24	Addresses of Victims of Domestic Violence
RCW 42.17.318	License Applications for Concealed Weapons Permits
RCW 42.10.30(7)	Identity of Local Government Whistleblower
RCW 42.23(7)(4)	Municipal Officer Disclosure of Confidential Information
RCW 42.56.230	Personal information of public employees, elected officials or appointees
RCW 43.43.856	Information Regarding Organized Crime
RCW 46.52.080	Traffic Accident Reports – Certain information exempt
RCW 52.18.070	Industrial Insurance Claim Files and Records
RCW 68.50.105	Autopsy Reports
RCW 70.02	Mental Health Records
RCW 74.08	Jail and Inmate Records
RCW 82.32.330	Disclosure of Tax Information
45 CFR 160-164	HIPAA Privacy Rule

B. Skamania County is prohibited by statute from disclosing lists of individuals for commercial purposes.

## **2.72.060 Costs of Providing Copies of Public Records**

- A. **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for fifteen cents per page. Skamania County will charge its actual cost for nonstandard copies. Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten 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. Skamania County will not charge sales tax when it makes copies of public records. The public records officer may waive the fee if the expense of processing the payment exceeds the costs of providing the copies.

The fee for searching records, research, and/or providing a copy of a public record may be set by statute. Where the state or federal law sets a fee, that fee will be charged.

- B. **Costs for electronic records.** The County will charge Five Dollars (\$5.00) for electronic copies of records on a floppy disk or CD-ROM.
- C. **Costs for audio cassette recordings.** The County will charge Ten Dollars (\$10.00) for copies of audio recordings on a cassette.
- D. **Costs of mailing.** Skamania County may also charge actual costs of mailing, including the cost of the shipping container.
- E. **Payment.** Payment may be made by cash, cashier's check, or money order to Skamania County.

## **2.72.070 Review of Denials of Public Records**

- A. **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 e-mail, 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.
- B. **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the public records officer's supervisor or other agency official designated by the agency to conduct the review. That person will immediately consider the petition and either affirm or reverse the denial within two business days following Skamania County's receipt of the petition, or within such other time as Skamania County and the requestor mutually agree to.
- C. **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.

**REVIEWED** this 3<sup>rd</sup> day of October 2006, and set for public hearing on the 31<sup>st</sup> day of October 2006 at 1:30 o'clock p.m.

**BOARD OF COUNTY COMMISSIONERS  
SKAMANIA COUNTY, WASHINGTON**

**ORDINANCE NO. 2006-09 PASSED INTO LAW THIS 31<sup>st</sup> DAY OF OCTOBER 2006.**

**BOARD OF COUNTY COMMISSIONERS  
SKAMANIA COUNTY, WASHINGTON**