

PUBLIC RECORDS POLICY

Purpose

Kitsap Regional Library (“Library”) recognizes the importance of open government and provides broad access to public records as required by the Public Records Act (PRA), Revised Code of Washington (RCW), Chapter 42.56, for inspection or copying, while carefully exercising discretion to withhold records, in whole or in part, where the law exempts or prohibits the disclosure of specific information (RCW 42.56.230). For example, exemptions include patron records (RCW 42.56.310), attorney/client privilege, real estate transactions, applications for public employment, personal information maintained for employees in personnel file, among others identified.

The purpose of this procedure is to notify requestors about the established places at which, the employees from whom and the methods whereby, they may obtain information, make submittals or requests or obtain copies of agency decisions (RCW 42.56.040).

Background

The Library’s public records, both hardcopy and electronic, are subject to disclosure and production under the PRA, RCW Chapter 42.56. There are specific deadlines for responding to PRA requests and for producing responsive records established by the PRA. The Library is subject to daily penalties and the payment of attorney fees and costs for failing to comply with the requirements of the PRA. The Library’s goal is to ensure compliance with the requirements of the PRA, while minimizing the impact of these requests on the delivery of other services to the citizens of Kitsap County.

Scope

This policy covers public records requests for public records prepared, owned, used or retained by any department or office of Kitsap Regional Library. Any public record kept in electronic or hardcopy format is subject to production under the PRA, unless the record or its contents are defined as exempt by the PRA or other applicable law.

Definitions

Record means any document or data that is created or received by the Library, which serves to document the Library’s operations, functions, policies, decisions, procedures or other activities.

Public Records means any records prepared, owned, used or retained by Kitsap Regional Library, including both hardcopy and electronic records. An identifiable record is one in existence at the time the public records request was made, and that the Library staff can reasonably locate. Public records are defined as records that are created or received in the transaction of public business and retained as evidence of official actions.

Public Records Requests refers to requests submitted by persons or entities for Kitsap Regional Library’s public records. Specific information may be exempt from production under the Public

Records Act, RCW Chapter 42.56. As a result, the response process includes a review to ensure that exempt information is identified and redacted or withheld from production.

Requestor refers to the person or entity submitting the public records request.

Public Records Officer (PRO), as identified, serves as the point of contact for members of the public in requesting disclosure of public records and oversees the agency's compliance with the public records disclosure requirements of the PRA. The PRO is responsible for coordinating with the various departments and designees, if applicable, in compiling the records to fulfill the public records request.

Public Records Specialists are appointed designees by the PRO and responsibilities include assisting the PRO with the duties as outlined in this policy. This designee may at times communicate directly with the requestor.

Employee means any person who works for the Library, as a paid employee, volunteer, or contracted employee. Every employee is responsible for maintaining their files and records to comply with both the PRA and the applicable records retention schedules. For Public Records Requests, employees must:

1. Search for records within their area of responsibility for records responsive to public records requests, upon request of their department or Public Records Officer or designated Public Records Specialist;
2. Respond to requests to search for records in a timely manner, in accordance with timelines established by the Public Records Officer or appropriate Public Records Specialist; and
3. Submit discoverable records to the Public Records Office or assigned Public Records Specialist within the established timeline.

Submitting A Public Records Request

A public records request must be made in writing using one of the methods listed below and submitted to the Public Records Officer. Any further disposal of documents shall be suspended until the public records request has been fulfilled. The Public Records Officer shall take the necessary steps to promptly inform all staff of any suspension in the further disposal of documents.

1. Online Public Records Request form available at www.krl.org/public-request-request.
2. By letter addressed to: Public Records Officer, Kitsap Regional Library, 1301 Sylvan Way, Bremerton, WA, 98310.
3. By fax to: (360) 405-9156.
4. By emailed request to: precords@krl.org.

Please include the following information in the request:

- Name and address of requestor;
- Contact information, including telephone number and email address;
- A description of the requested record(s) adequate for the Public Records Officer to locate the record(s); and
- The date of the request.

Please note that overbroad requests may require the Public Records Officer to seek clarification and, in turn, may require providing the responsive records in installments over time, as allowed by State law. When a request states “all records relating to”, the Public Records Officer will interpret the request to existing records that directly address the topic. A request for “all or substantially all records” of the Library will not be considered a valid request for “identifiable” records under the Public Records Act.

Public records fulfilling the public records requested will be logged under the Public Records Request number. If the requestor fails to claim or review the records within 30 days of the Public Records Officer’s notification that the records are available for inspection or copying, the Public Records Officer will notify the requestor, in writing, that the request has been closed.

A. Document Delivery

Public records are available for inspection and copying by appointment, Monday through Friday, between 10:00 a.m. – 4:00 p.m., excluding legal holidays. To the extent possible, the Public Records Officer shall provide space to inspect public records at the Sylvan Way Branch, 1301 Sylvan Way, Bremerton, WA, 98310.

The Library may offer other methods for delivery of responsive records to a public records request. Paper records are available via in-person pickup or United States mail. If a requestor elects to have records mailed, they must provide a mailing address. For requests which have a very low volume of responsive electronic records, the records may be sent through email as an attachment, dependent upon email account capacities. If there is a charge for producing these records, payment must be received prior to mailing or providing responsive records. If the information is available via the Library’s website, that link may be provided. If the Library is unable to fulfill the request, the requestor will be informed that the request has been denied and state the reason.

The Library may, at its discretion, respond to requests for voluminous records by providing the records in installments (RCW 42.56.080). If so, the Library will notify the requestor that the request will be completed in installments. The notification will include a reasonable estimate of the amount of time it will take to produce the first installment. Once the first installment is available, the Library shall notify the requestor that it is available.

Installments that have a high volume of responsive electronic records will be delivered via CD/DVD or USB memory device. Each installment copied onto a CD/DVD or a USB memory device can be either picked up in person or sent via the United States mail. If a requestor elects to have CDs/DVDs or a USB device mailed to them, the requestor must provide the Library with a mailing address. Charges assessed will include the actual cost of materials and postage and payment must be received prior to mailing or providing the responsive records.

If a large number of similar requests are received, the Public Records Officer may elect to set up an online distribution method. This method will reflect the technology and skills which exist in the Library's IT Department and Director's Office Department at that time.

The requestor will have 30 days after receiving notification that the records are available to make arrangements with the Library to inspect or pay for copies of the records as well as any required postage. Payment for responsive records and delivery costs must be received before the records will be provided. Forms of payment accepted and payment options will be defined for the Requestor. Receipts will be issued for all payments. If arrangements to inspect or payment is not received within 30 days of the date the records are made available, the request will be deemed abandoned and will be administratively closed without further communication to the Requestor.

B. Processing Public Records Requests

The Library's goal is to provide full access to public records and provide timely action on public records requests. All assistance necessary to help requestors locate particular responsive records shall be provided by the Public Records Officer, provided that the giving of such assistance does not unreasonably disrupt the daily operations of the Library or other duties of any assisting employee(s). The Library may deny frequent, automatically generated "bot requests" received from the same requestor within a 24-hour period where the Library establishes that responding to the multiple requests would cause excessive interference with other essential Library functions.

- 1) Acknowledgement: A response to a public records request will be provided within 5 business days of receipt of the request. In calculating the 5-day response time, the day the request was received, legal holidays and Saturday and Sunday are excluded. Within the 5-business-day period, the Public Records Officer will do one or more of the following:
 - a) Make the record available for inspection or copying; or
 - b) Provide an internet address and link on the agency's website to the specific records requested; or
 - c) Acknowledge that the request has been received and provide a reasonable estimate of when records will be available; or
 - d) Deny the request and provide a statutory reason as to why the request is being denied.

The Public Records Officer or his or her designee may seek clarifying information from the requestor as needed to fulfill the request. When seeking clarification, a reasonable estimate of the time that it will take to respond if the request is not clarified shall be provided. If a response to a request for clarification is not received, the Library shall respond to portions of the request that are clear. If the entire request is unclear and the requestor does not provide the requested clarification within 10 days, the Library is not obligated to respond beyond the 5-day response.

The Library may notify persons named in a record or to whom a record specifically pertains, that release of the record has been requested so that the person may file a lawsuit to enjoin the release of the record (RCW 42.56.540). The third party shall be provided relevant information about the request including the identity of the requestor so that the third party may name the requestor as a party in any lawsuit to enjoin disclosure.

- 2) Reasonable estimate of time to respond: If the Library is not able to provide the requested records within the 5-business-day period, the Public Records Officer must provide a reasonable estimate of the time it will take to fully respond to the request. Additional time may be needed by staff to clarify the scope of the request, locate and assemble the records, redact confidential information, prepare an exemption log, and/or consult with legal counsel about whether the records are exempt from disclosure. Should an extension of time be necessary to fulfill the request, the Public Records Officer will provide a revised estimate and explain the changed circumstances.
- 3) Unanticipated issues affecting response: If the Library does not respond in writing within 5 business days of receipt of the request for disclosure, the requestor is encouraged to contact the Public Records Officer to ensure the request was received. Unanticipated issues with technology or postal mail could affect the deliverability of requests to the Public Records Officer, or responses by the Public Records Officer.
- 4) Record production installments/deposit: If the identified records constitute a large volume, the Public Records Officer may require a deposit of 10% of the estimated cost and establish an installment plan to provide responsive documents to the requestor. Upon completion of the first installment, the Public Records Officer will notify the requestor in writing of the number of records available and include the costs associated with the first installment. The Public Records Officer will also include in the notice an estimated date for the next installment. Payment for installments must be made within 30 days of notification of availability in order for further installments to be provided. If the requestor fails to pay the deposit, inspect a set of records and/or pay for an installment within 30 days of notification, the Public Records Officer may stop searching for the remaining records and close the request, per RCW 42.56.120.
- 5) Closing cancelled or abandoned requests: If a request is cancelled or a requestor fails to fulfill their obligations to inspect the records, fails to pay the deposit or final payment for the requested copies or fails to clarify an unclear request, the Public Records Officer will close the request and indicate to the requestor that the Library has closed the request. The Public

Records Officer will document closure of the request and the conditions that led to the closure.

- 6) No duty to create records: The Library is not obligated to create a new record to satisfy a records request or provide information in a format that is different from the original record.
- 7) Public records request log: The Library shall maintain an electronic log of the requests to include the following information, but not limited to: identity of the requestor, date of request, request description, date of 5-day letter, date of fulfillment, detail of responsive documents (to include quantity and amount charged for copies and file location and name for electronic copies), a description of any redacted or withheld records and the reasons for any redactions or withholding and the date documents related to processing the request can be destroyed. When network drives and email systems are searched in response to a public records request, keyword lists and information regarding the drives searched shall also be maintained.

Records Retention

The Library will retain its records in accordance with the Washington State Archives Records Retention Schedules, which are available at sos.wa.gov. The retention period varies based on the content of the record. However, public records may not be destroyed per a retention schedule if a public records request or actual or anticipated litigation is pending. If a requested record is scheduled for destruction under the State's records retention schedule, the record may not be destroyed until the public disclosure request or litigation has been resolved. Once a request has been closed, the Public Records Officer may destroy the record in accordance with the retention schedule.

Charges for Providing Copies of Public Records

- 1) Paper records: Following the Library's standard fee schedule for photocopies, a requestor may obtain a standard black and white photocopy for \$0.10 per page or color copy for \$0.25 per page.
- 2) Electronic records: The Library shall follow the default fee structure outlined in the Public Records Act as it has determined that calculating the actual costs of producing electronic records would be unduly burdensome when considering the various classification levels, including benefits and wages, of staff and the diverse nature of requests received.
 - a) The Library may charge \$0.05 for every four electronic files or attachments uploaded for electronic delivery and \$0.10 per gigabyte for the transmission of records in an electronic format or for the use of Library equipment to send the records electronically.
 - b) Alternatively, the Library may charge a flat fee of up to \$2.00 for the entire request as long as the cost of uploading and transmitting the electronic records is reasonably

estimated to equal or exceed that amount. Only one \$2.00 flat fee per request is authorized for electronic records produced in installments.

- c) When records are provided electronically on a CD, DVD, thumb drive, flash drive or other electronic device, the requestor will also be charged for the cost of the electronic storage device.
- d) If a requestor asks for responsive paper records to be converted to an electronic format, such as PDF, the cost of \$0.10 per page will be assessed to scan the paper records, in addition to delivery costs.
- e) The Library may waive charges associated with fulfilling a request. The decision will be based on various factors, including the volume and format of the responsive documents. The decision to assess fees for fulfilling a public records request shall be made on a consistent and equitable basis, dependent primarily upon the amount of staff time required for copying, scanning, shipping, uploading and/or transmitting the records associated with fulfilling a request.
- f) The Library will charge actual costs, to include the mailing container and postage associated with the mailing of packages to the requestor.

Review Process

The Library encourages any requestor who believes a record has been wrongfully withheld, in whole or in part, to meet and confer with the Public Records Officer prior to seeking judicial review of the Library's response to their request. The Library would have no less than 2 business days to amend its response before the requestor files a lawsuit. This voluntary procedure would give the Library a reasonable opportunity to facilitate a quick resolution to any disputes while avoiding the expense and delay associated with litigation.