



## **PUBLIC RECORDS POLICY**

Adopted: April 17, 2012 – Revised: May 21, 2013 – Revised: February 18, 2014

**PURPOSE:** The Public Records Act (“Act”), Chapter 42.56, RCW, requires public agencies to make identifiable, non-exempt public records available for inspection and copying upon request and to publish rules of procedure to inform the public how access to public records will be accomplished. The purpose of this policy is to guide the public and Port staff in obtaining full and timely access to documents concerning the conduct of the Port, mindful of individuals’ privacy rights and the desirability of efficient administration of Port business.

**POLICY:** The Port of Camas-Washougal is a special-purpose local government that serves the citizens of Clark County. The Port is committed to public accountability and operates in conformance with the Act; and it is the policy of the Port that the Act and this Resolution will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the Port will be guided by the provisions of the Act which describe its purposes and interpretation. Failure to comply with any provision of this Resolution shall not result in any liability imposed upon the Port other than that required in the Act.

### **Section 1. Description and Organization of the Port; Records Officer and Office Hours Designated; Internet Access to Records.**

**a. Description of Organization.** The Port of Camas-Washougal is a municipal corporation organized and created pursuant to Title 53, RCW of the State of Washington for the purpose of acquisition, construction, maintenance, operation, development and regulation within the port district of harbor improvements. The Port is governed by a Commission composed of three publicly elected commissioners. The Executive Director is the Port’s administrator. The Executive Director, or designee, is responsible for carrying out the Commission’s directives (such as this Policy) and for directing the Port’s staff.

**b. Records Officer and Office Hours.** The Public Records Officer shall be the Executive Assistant or designee. The Records Officer shall maintain a description of the Port’s organization and the process through which the public may obtain information from the Port. The Port’s office is located at 24 South A St., Washougal, WA 98671. The customary office hours of the Port are: Monday 9:00 a.m. to 5:00 p.m., and Tuesday through Friday 8:00 a.m. to 5:00 p.m., excluding legal holidays.

**c. Internet Access to Records.** Many records are available on the Port of Camas-Washougal’s website at: [www.portcw.com](http://www.portcw.com). Requestors are encouraged to view the documents available on the website prior to submitting a public records request.

## **Section 2. Public Records Officer - Duties**

Any person wishing to request access to public records or seeking assistance in making a request should contact the Port's Public Records Officer. The Public Records Officer will oversee compliance with the Public Records Act, but may designate other Port staff members who may process requests for public records.

## **Section 3. Availability of Public Records**

- a. Records Index.** The Port Commission has determined that it would be unduly burdensome to maintain an itemized index of all Port records, except as set forth herein, due to fiscal and personnel limitations.
- b. Hours for Inspection.** Public records are available for inspection and copying during the Port's customary office hours: Monday 9:00 a.m. to 5:00 p.m. and Tuesday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Port staff and the requestor may make mutually agreeable arrangements for times of inspection and copying; however, the Port shall have final say regarding hours for inspection.
- c. Place of Inspection.** Records will be made available for inspection as determined by the Public Records Officer.
- d. Electronic Access to Records.** For those seeking responsive records in electronic format, records will be provided in electronic format where they already exist in that format; otherwise hard copy of records will be provided. The Port will provide access to public records that already exist in electronic format by providing links to the website containing an electronic copy of the record, provide records on disk or thumb drive, or transmit the responsive record via e-mail, if it can be determined that the requestor has internet access and the requestor agrees that the request has been satisfied.
- e. Retention of Records.** The Port will retain its records in accordance with the Port's Archive and Records Management Policy and retention periods in specified schedules in the Local Government General Records Retention Schedule (LGGRRS) and the Local Government Common Records Retention Schedule (CORE) available at [www.secstate.wa.gov](http://www.secstate.wa.gov). Public records may not be destroyed per a retention schedule if a public records request or actual or anticipated litigation is pending.

## **Section 4. Making a Request for Public Records**

- a. Reasonable Notice that the Request is for Public Records.** There is no required format for a valid public records request. A requestor must provide the Port with reasonable notice that the request being made is for public records. If a request is

contained in a larger document unrelated to a public records request, the requestor should point out the public records request by labeling the front page of the document as containing a public records request or otherwise calling the request to the attention of the Public Records Officer to facilitate timely response to the request.

**b. Form.** Any person wishing to inspect or copy identifiable public records of the Port should make the request in writing in one of the following ways:

- 1) On the provided request form (available online at [www.portcw.com](http://www.portcw.com)); or
- 2) By letter, fax, or e-mail addressed to the Public Records Officer.

**\* Note: Requests for Information are not subject to the Public Records Act.**

**c. Consequences of Failure to Respond.** If the Port 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 failure to respond.

**d. Prioritization of Records.** The Public Records Officer may ask a requestor to prioritize the records he or she is requesting so that the most important records may be provided first. A requestor need not prioritize a request.

**e. Copies.** Costs for production of public records shall be charged in accordance with the Port's Schedule of Rates and Fees.

**f. Oral Requests.** The Public Records Officer may accept requests for public records by telephone or in person. If an oral request is made, the Public Records Officer will confirm receipt of the information and the substance of the request in writing, as well as the necessary contact information from the requestor.

**g. Purpose of Request.** A requestor need not state the purpose of the request. However, in an effort to clarify or prioritize a request and provide responsive records, the Public Records Officer may inquire about the nature or scope of the request. The Port is not authorized to provide lists of individuals or businesses for commercial purposes.

## **Section 5. Processing Public Records Requests**

**a. Providing "fullest assistance."** This policy and related policies and procedures identify how the Port 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 timeliest possible action on public records requests. All assistance necessary to help requestors locate particular responsive records shall be provided by the Public Records Officer; provided,

however, that the giving of such assistance does not unreasonably disrupt the daily operations of the Port or other duties of any assisting employee(s).

**b. Order for Processing Requests.** The Public Records Officer will process requests in the order allowing the most requests to be processed in the most efficient manner, including by installments.

**c. Reasonable Estimate of Time to Fully Respond.** If not able to provide documents requested within five business days, the Public Records Officer must provide a reasonable estimate of the time it will take to fully respond to the request. When a request is for a larger number of records, the Public Records Officer will contact the requestor and offer to provide access for inspection and copying if the Public Records Officer determines that it may be more cost effective or practical to provide the records in that manner.

**d. Consequences of Failure to Clarify a Request.** If the requestor does not respond to the Port's request for clarification within 30 days of the Port's request, the Public Records Officer may consider the request abandoned, send a letter closing the response to the requestor, and re-file the records.

**e. Consequences of Disclosing a Record in Error.** The Port and its officials or employees are not liable for loss or damage based on release of a public record if the Port, official or employee acted in good faith in attempting to comply with the Public Records Act.

**f. Protecting the Rights of Others.** If the requested records contain information that may affect rights of others and may be exempt from disclosure, prior to providing the records the Public Records Officer may give notice to those whose rights may be affected by the disclosure. The notice to the affected person(s) will include a copy of the request.

**g. Redactions.** 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. For example, the Public Records Officer shall redact identifying details such as social security numbers when he or she makes available or publishes any public record. In each case, the justification for the deletion shall be explained in writing.

**h. Providing Copies of Records after Inspection.** The requestor shall indicate which documents he or she wishes to have copied using a mutually agreed upon non-permanent method of marking the desired records. After inspection is complete, the Public Records Officer will arrange for copying. Records will be provided in electronic format where they already exist in that form, otherwise hard copies of records will be provided. Making a copy of an already existing electronic record is considered copying and not creation of a new record.

**i. Closing Withdrawn or Abandoned Requests.** If the requestor withdraws a request, fails to fulfill his or her obligations to inspect the records within 30 days from the time the Port notifies the requestor that the documents are available, or fails to pay the deposit or final payment for the requested copies within 30 days of the request for payment, the Public Records Officer may close the request and indicate to the requestor that the Port has closed the request. The Public Records Officer will document closure of the request and the conditions that led to closure.

**j. No Duty to Create Records.** The Port is not obligated to create a new record (paper or electronic) to satisfy a records request; however, the Port may, in its discretion, create such a new record to fulfill the request where it may be easier for the Port to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request. However, the requestor must agree in writing that the new record will satisfy the request.

**k. No Duty to Supplement Responses.** The Port is not obligated to hold current records requests open to respond to requests for records that may be created in the future.

## **Section 6. Costs of Providing Copies of Public Records**

Per state law, the Port is not allowed to charge for locating a public record or for making records available for review or inspection. The Port may charge, however, for the actual costs of copying public records. This provision includes responses to public records requests for electronic records.

**a. Fee Schedule.** Costs for production of public records shall be charged in accordance with the Port Schedule of Rates and Fees. The Port Commission will periodically update and post to its web site a fee schedule for various other nonstandard public records or those in other formats or media. If the Port has to pay an outside firm for duplicating records in non-routine formats such as photographs, blueprints or tape recordings, the actual cost will be passed along to the requestor.

**b. Faxing and Mailing Charges.** The Port may also charge actual costs of long distance facsimile transmission and/or mailing, including the cost of the shipping container.

**c. Deposit or Payment by Installments.** Before beginning to copy records, the Public Records Officer or designee may require a deposit of up to ten percent of the estimated costs of copying the records selected by a requestor. The Public Records Officer 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.

**d. Waiver of Copying Charges.** The Public Records Officer has the discretion to waive copying charges for small requests, or for individuals or government agencies doing business with the Port if the Public Records Officer determines that this action is in the best interest of the Port.

### **Section 7. Denials of Requests for 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 by 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 Port's Attorney or his or her designee to conduct the review. The Port Attorney or his or her designee will promptly consider the petition and either affirm or reverse the denial within ten business days following the Port's receipt of the petition, or within such other time to which the Port and the requestor mutually agree.