



## **PUBLIC RECORDS POLICY**

Adopted: April 17, 2012 and Revised: May 21, 2013, February 18, 2014, January 1, 2022

**PURPOSE:** The Public Records Act (“PRA”), 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. A copy of this policy shall be posted on the Port’s website.<sup>1</sup>

**POLICY:** The Port of Camas-Washougal (“Port”) 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 PRA and this Resolution will be interpreted in favor of disclosure. In carrying out its responsibilities under the PRA, the Port will be guided by the provisions of the PRA 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 PRA.

**REFERENCE:**

- RCW 42.56, Public Records Act
- Chapter 44.14 WAC

**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 Chief Executive Officer is the Port’s administrator. The Chief Executive Officer, or designee, is responsible for carrying out the Commission’s directives (such as this Policy) and for directing the Port’s staff. <sup>2</sup>

---

<sup>1</sup> WAC 44.14.02001

<sup>2</sup> RCW 42.56.570, WAC 44-14-020, WAC 44-14-02002; WAC 44-14-3002

**b. Records Officer and Office Hours.** The Public Records Officer (“PRO”) shall be the Executive Assistant or designee. Any person wishing to request access to public records or seek assistance in making a request should contact the PRO.

The Port of Camas Washougal PRO can be contacted at:

Phone: (360) 835-8098  
Fax: (360) 835-2197  
Public Records Office:  
24 South A St.  
Washougal, WA 98671

The PRO 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 PRO will oversee compliance with the PRA and these procedures. The Port's PRO may delegate the responsibilities of processing requests to other staff. Each department will also designate a public records coordinator to facilitate access to public records within their department and will identify each coordinator to the PRO.

**c. Internet Access to Records.** Many records are available on the Port of Camas-Washougal’s website: [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**

**a. PRO is Point of Contact.** Any person wishing to request access to public records or seeking assistance in making a request should contact the Port’s PRO. The PRO will oversee compliance with the PRA but may designate other Port staff members who may process requests for public records.

**b. Maintain a Log of Requests.** The PRO shall maintain a log of public records requests to include the identity of the requestor if provided by the requestor, the date the request was received, the text of the original request, a description of the records redacted or withheld and the reasons therefor, and the date of the final disposition of the request.<sup>3</sup>

**c. Maintenance/Order of Records.** The Port will maintain its records in a reasonably organized manner. The Port PRO will take reasonable actions to protect records from damage and disorganization.<sup>4</sup>

## **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

---

<sup>3</sup> . RCW 40.14.026(4) Effective July 23, 2017. WAC 44-14-04003(14).

<sup>4</sup> WAC 44-14-03004

personnel limitations.<sup>5</sup>

**b. Hours for Inspection.** Public records are available for inspection and copying during the Port's customary office hours: Monday, Tuesday, Thursday, Friday 8:00 a.m. to 4:30 p.m. and Wednesdays, 9:00 a.m. to 4:30 p.m. Closed daily from 12:00 pm – 1:00 pm and Closed on Weekends, 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.<sup>6</sup>

**c. Place of Inspection.** Records will be made available for inspection at the Port's offices as determined by the PRO. Records must be inspected at an office of the Port. No member of the public may remove a record from the viewing area or disassemble or alter any record.<sup>7</sup>

**d. Electronic Access to Records.** For those seeking responsive records in electronic format, records will be provided in an electronic format that is used by the Port and is generally commercially available, or in a format that is reasonably translatable from the format in which the Port keeps the record, ., provided however, the Port is not required to buy new software, hardware or licenses to process a request for production or delivery of public records.<sup>8</sup> 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 (LGRRS) 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.<sup>9</sup>

**f. Exemptions.**

- 1. Some Records Exempt.** The PRA and other statutes exempt or prohibit disclosure of certain port records. Requesters should take note that there are many exemptions contained outside of the PRA that may restrict the availability of some records.<sup>10</sup> Exemptions include but are not limited to: deliberative process and drafts: RCW 42.56.280, litigation and legal information exemption: RCW 42.56.290, mediation communications: RCW 42.56.600, security and terrorism: RCW 42.56.42, personal information of public employees: RCW 42.56.230(3), taxpayer information:

---

<sup>5</sup> WAC 44-14-03003

<sup>6</sup> WAC 44-14-03002

<sup>7</sup> WAC 44-14-04005

<sup>8</sup> WAC 44-14-050; WAC 44-14-05001

<sup>9</sup> WAC 44-14-03005

<sup>10</sup> WAC 44-14-060

RCW 42.56.230(4), financial information: RCW 42.56.230(5), vehicle licensing applications: RCW 42.56.230(7) and emergency systems: RCW 42.56.230(9).

2. **Other Statutes.** In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the PRA, that restrict the availability of some documents held by Port for inspection and copying and may impose penalties if the prohibition is violated.<sup>11</sup> See, for example, attorney/client privileged records: RCW 5.60.060(2), Chapter 70.02 RCW (Health Care Information Act), Chapter 13.50 RCW (Juvenile Records Act), RCW 82.32.330 (state excise tax records), and RCW 74.04.060 (public assistance records).
3. **Commercial Purposes.** Further the Port is prohibited by statute from disclosing lists of individuals for commercial purposes.<sup>12</sup>
4. **Redactions.** If the Port deems a record or portion of a record is exempt from disclosure and should be withheld, the PRO or designee will provide a Log which states the specific exemption and provides a brief explanation of why the record, or a portion of the record is being redacted or withheld.
5. **Third Party Notice.** If the requested records contain information that may affect rights of others and/or may be exempt from disclosure, the PRO will, prior to providing the records, give notice of not less than 10 days to those persons. Such notice should be given to make it possible for those receiving the notice to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will typically include a copy of the request, and the requestor shall be given a copy of the notice sent to the affected parties.

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

**a. Reasonable Notice that the Request is for Public Records.**<sup>13</sup> 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 PRO 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 one of the following ways:

- 1) Request through the Port's website: <https://portcw.com/public-records-request/>
- 2) Request by fax (360) 835-2197 addressed to the PRO.

---

<sup>11</sup> WAC 44-14-06001, RCW 42.56.070(1).

<sup>12</sup> WAC 44-14-06001

<sup>13</sup> WAC 44-14-04002

- 3) Public records requests submitted by written letter or email should include the following information:<sup>14</sup>
- i. Name of requester;
  - ii. Date of request;
  - iii. Phone, email, and/or address or other contact information of requester;
  - iv. Identification of the public records adequate for the public records officer or designee to locate the records (title and date, if known), and
  - v. Location (department) of the requested records, if known.
  - vi. If the request is made by email, regular mail, fax, in-person or by telephone, responding staff will confirm receipt of the information and the substance of the request in writing.
  - vii. The Port may deny a "bot" request that is one of multiple requests from a requestor to the Port within a twenty-four-hour period, if the Port determines that responding to the multiple requests would cause excessive interference with essential Port functions. A "bot" request is a records request that the Port reasonably believes was automatically generated by a computer program or script

**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 is encouraged to contact the PRO to determine the reason for failure to respond.

**d. Prioritization of Records.** The PRO 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 Section 6 herein below.

**f. Oral Requests.** The PRO may accept requests for public records by telephone or in person. If an oral request is made, the PRO 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

---

<sup>14</sup> WAC 44-14-03006

an effort to clarify or prioritize a request and provide responsive records, the PRO may inquire about the nature or scope of the request.<sup>15</sup>

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

**a. Providing “fullest assistance.”<sup>16</sup>** 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 PRO; 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 PRO will process requests in the order allowing the most requests to be processed in the most efficient manner, including by installments.

**c. Five Day Response.** Within five business days of receipt of the request (day one is the first working day after the request is received), the PRO or designee will do one or more of the following:

1. Make the records available; or
2. Identify an internet location where the record can be accessed. Requesters who cannot access the internet may be provided hard copies or access to a Port terminal to access the record; or
3. Acknowledge receipt of request and provide a reasonable estimate of when records will be available; or
4. If the request is unclear, acknowledge receipt of request, ask the requester to provide clarification and provide a reasonable estimate of when records will be available;<sup>17</sup> or
5. Deny the request.<sup>18</sup>

**d. Reasonable Estimate of Time to Fully Respond.** If not able to provide documents requested within five business days, the PRO must provide a reasonable estimate of the time it will take to fully respond to the request.<sup>19</sup> When a request is for a large number of records, the PRO will contact the requestor and offer to provide access for inspection and copying if the PRO determines that it may be more cost effective/practical to provide the records in that manner.

---

<sup>15</sup> RCW 42.56.080.

<sup>16</sup> RCW 42.56.100; WAC 44-14-04003(5).

<sup>17</sup> RCW 42.56.520, WAC 44-14-04003(8).

<sup>18</sup> RCW 42.56.520.

<sup>19</sup> RCW 42.56.520(2), WAC 44-14-04003(7). RCW 42.56.550(2). See WAC 44-14-08004 (5)(b).

**d. Searching for Records.** The Port will conduct an objectively reasonable search for responsive records. The adequacy of a search is judged by the standard of reasonableness.<sup>20</sup> If the Port's contractors performing Port work have responsive public records as a consequence of the Port's contract, the PRO will notify the contractor of the records request. The Port will document its record searches is recommended. Port Staff and staff and officials should promptly respond to inquiries about responsive records from the PRO. If, after a reasonable search, the Port determines that there are no responsive records, the PRO will notify the requestor and explain, in at least general terms, the places searched.<sup>21</sup>

**e. Consequences of Failure to Clarify a Request.** If the requestor does not respond to the Port's request for a clarification within thirty days of the Port's request or other specified time, the Port may consider the request abandoned. If the Port considers the request abandoned, the PRO will send a closing letter to the requestor if it has not already explained when it will close a request due to lack of response by the requestor and may re-file the records.<sup>22</sup>

**f. 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 PRA.

**g. Redactions.** If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the PRO 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 PRO 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.<sup>23</sup>

**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 PRO 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.<sup>24</sup>

**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 PRO may close the request and indicate to the requestor that the Port has closed the request. The PRO will document

---

<sup>20</sup> *Neighborhood Alliance v. Spokane County*, 172 Wn.2d 702, 261 P.3d 119 (2011); *Forbes v. City of Gold Bar*, 171 Wn. App. 857, 288 P.3d 384 (2012).

<sup>21</sup> *Neighborhood Alliance*, 172 Wn.2d at 722.

<sup>22</sup> RCW 42.56.520.

<sup>23</sup> RCW 42.56.210(1); *Resident Action Council v. Seattle Housing Authority* (2013)

<sup>24</sup> RCW 42.56.120(1)

closure of the request and the conditions that led to closure.<sup>25</sup>

**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.<sup>26</sup>

**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.

**l. Later Discovered Records.** After the Port has closed the request, if the Port becomes aware of additional responsive records existing at the time of the request, it will promptly inform the requester of the additional records and provide them as soon as possible.<sup>27</sup>

A public records request is not continuing in nature. If a requester desires additional records created or obtained by the Port after the date of the original request, the requester must submit a new request.

**m. Completion of Request.** The Port's records request has been fulfilled and can be closed when a requestor has inspected all the requested records, all copies have been provided, a web link has been provided (with assistance from the Port in finding it, if necessary), an entirely unclear request has not been clarified, a request or installment has not been claimed or reviewed, or the requestor cancels the request. The Port will provide a closing letter stating the scope of the request and memorializing the outcome of the request, provided however, a closing letter may not be necessary for smaller requests, or where the last communication with the requestor established that the request would be closed on a date certain. The Port's closing letter will ask the requestor to promptly contact the Port if he or she believes additional responsive records have not been provided.<sup>28</sup>

## **Section 6. Costs of Providing Copies of Public Records**<sup>29</sup>

Per state law, the Port does not charge a fee for locating a public record or for making records available for review or inspection.<sup>30</sup>

As allowed under RCW 42.56.120, the Port adopts the following fee schedule for copying and production of requested records:

---

<sup>25</sup> RCW 42.56.520.

<sup>26</sup> WAC 44-14-04003(6). *Smith v. Okanogan County*, 100 Wn. App. 7, 14, 994 P.2d 857 (2000)

<sup>27</sup> WAC 44-14-04003 (13)

<sup>28</sup> WAC 44-14-04006

<sup>29</sup> WAC 44-14-070

<sup>30</sup> WAC 44-14-07001



1. The charge for standard black-and-white photocopies is fifteen cents (\$.15) per page. This is a statutorily allowed fee, as calculating the actual costs for staff time, materials, and production of a copy would be administratively burdensome.
2. For large productions of paper records or for copying of non-standard sized documents or non-routine formats, the Port may use an outside vendor and charge the actual cost of the copy or production service including postage and the shipping container. A deposit of 10% of the estimated cost may be required prior to production of the records.
3. The charge to scan a paper record to electronic copy of a record is ten cents (\$.10). This is a statutorily allowed fee, as calculating the actual costs for staff time, materials, and production of an electronic copy would be administratively burdensome.
4. For large productions of electronic records requested/required on external drives, the Port may charge the requestor the actual cost of the external drive or digital storage media device.
5. In addition to the charge imposed for providing copies of public records the Port may include a customized service charge if the Port 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 and customized access services are not used by the Port for other Port purposes. In all such cases, the Port will notify the requestor of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. This notice will provide the requestor the opportunity to amend their request in order to avoid or reduce the cost of a customized service charge. Requester must pay customized service charge and any applicable fees prior release of records.<sup>31</sup>
6. Charges may be combined to the extent that more than one type of charge applies to the production of records (for example, \$.10/page of paper files scanned to electronic format, plus cost of digital storage media device if required for production).
7. A requestor will not be charged anything more than is necessary to reimburse the Port for its actual costs directly incident to copying and production of the records.
8. No sales tax is charged on copies of records made at the Port's facilities.
9. Payment to the Port under this schedule may be made by cash or check.
10. If the request is fulfilled in installments, payment for each records installment must be paid prior to installment release. If an installment is not paid and claimed, the Port is not

---

<sup>31</sup> RCW 42.56.120

obligated to fulfill the balance of the request.<sup>32</sup>

**11.** The Port reserves the right not to charge fees set forth herein on a case-by-case basis and the PRO may determine, in their discretion, whether or not to charge fees for a particular request.<sup>33</sup>

<b>a. Item</b>	<b>Cost</b>
Existing electronic records posted to Port website or available in existing electronic form	No charge
Photocopies	\$.15/page Two-sided documents are charged as two pages
Large production of paper records or non-standard sized or non-routine records requiring use of outside vendor	Actual cost of copy or production service including postage and shipping container; may require deposit of 10% of estimated cost prior to production
Paper scanned to electronic file	\$.10/page
External drives or other digital storage media devices	Actual cost
Mailing, delivery and shipping	Actual cost of mailing or shipping plus cost of shipping materials
Any charge by third-party vendor to access and produce records stored by that vendor	Actual cost
Customized service charge, after notice to requestor	Actual cost

**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 PRO or

---

<sup>32</sup> WAC 44-14-07006

<sup>33</sup> WAC 44-14-07005

designee may require a deposit of up to ten percent of the estimated costs of copying the records selected by a requestor. The PRO 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.

### **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 PRO for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the PRO or designee denying the request.<sup>34</sup>

**b. Consideration of Petition for Review.** The PRO 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.

---

<sup>34</sup> WAC 44-14-080, WAC 44-14-08001