Public Records Request Policy & Procedures

Approved by Board Resolution No. 14-18, September 28, 2018
PUBLIC RECORDS REQUEST POLICY & PROCEDURES

This policy applies to all persons requesting public records of Island Transit and to those personnel providing public record(s).

1. Island Transit Discloses Public Records

Island Transit shall disclose public records in compliance with the Public Records Act of the State of Washington, Chapter 42.56 RCW. Island Transit adopts the model procedural rules, as follows, adopted by the State as its procedural rules for disclosing public records.

Authority and Purpose. WAC 44-14-010

(1) RCW 42.56.070(1) requires Island Transit to make available for inspection and copying nonexempt “public records” in accordance with published rules. The act defines “public records” 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 Island Transit regardless of physical form or characteristics. A "public record" can be any writing "regardless of physical form or characteristics." RCW 42.56.010 (3). "Writing" is defined very broadly as: "... handwriting, typewriting, printing, photostating, 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 42.56.010(4). An email, text, social media posting and database are therefore also "writings." RCW 42.56.070(2) requires Island 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 Island Transit.

(2) The purpose of these rules is to establish the procedures Island 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 Island Transit and establish processes for both requestors and Island Transit staff designated to best assist members of the public obtaining such access.

(3) 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 the rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, Island Transit will be guided by the provisions of the act describing its purposes and interpretation.

Agency Description – Contact Information – Public Records Officer. WAC 44-14-020

(1) Island Transit provides public transportation services to the Public Transportation Benefit Area of Island County. Island Transit’s central office is located at 19758 SR 20, Coupeville, Washington.
98239. Island Transit has a satellite office located on 174 Can Ku Road, Camano Island, Washington 98282.

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

Public Records Officer  
Island Transit  
19758 SR 20  
Coupeville, Washington 98239  
Phone:    (360) 678-7771  
Fax:   (360) 544-3710  
Email: goldring@islandtransit.org

Information is also available on the Island Transit website at www.islandtransit.org.

(3) The public records officer serves as a point of contact for members of the public in requesting disclosure of public records and oversees compliance with the public records disclosure requirements, but another Island 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 Island Transit will provide the “fullest assistance” to requestors; ensure the public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of Island Transit.

Availability of Public Records.  

WAC 44-14-030

(1) Hours for inspection of records.  Public records are available for inspection and copying during normal administrative business hours of Island Transit, Monday-Friday, 9:00 AM to 3:00 PM, excluding legal holidays. Records must be inspected at the offices of Island Transit.

(2) Records Index.  Island Transit finds that maintaining an index is unduly burdensome and would interfere with agency operations, and therefore has issued an order (Resolution No. 5-12) as authorized by RCW 42.56.070 that maintaining a current public records index will not be done. The Island Transit staff will give the public the fullest assistance practicable in identifying and disclosing public records.

(3) Organization of Records.  Island Transit will maintain its records in a reasonably organized manner. Island Transit will take reasonable actions to protect records from damage and disorganization. A requestor shall not take Island Transit records from Island Transit offices without the permission of the public records officer or designee.

(4) Making a request for public records.  Any person to inspect or copy public records of Island Transit is strongly encouraged to make the request in writing on Island Transit’s request form, or by letter, fax, or email addressed to the public records officer and include the following information:
a. Name of requestor;
b. Address of requestor;
c. Other contact information, including telephone number and any email address;
d. Identification of the public records adequate for the public records officer or designee to locate the records; and
e. The date and time of day of the request.

No fee shall be charged for the inspection of public records. 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.

A form is available use by requestors at the office of the public records officer, by mail, email, and online at www.islandtransit.org.

The public records officer or designee may accept requests for public records that contain the above information by email, 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.

(5) The public records officer may deny a “bot” request that is one of multiple requests from a requestor to the agency within a twenty-four-hour period, if the agency establishes that responding to the multiple requests would cause excessive interference with other essential agency functions.

Processing of Public Records Requests – General. WAC 44-14-040

(1) Providing “fullest assistance”. Island 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.

(2) Acknowledging receipt of request. Within five (5) business days of receipt of the request, the public records officer will do one or more of the following:

a. Make the records available for inspection or copying;
b. If copies are available on Island Transit’s website, provide an internet address and link on the website to specific records requested;
c. If copies are requested and payment of a deposit for copies, if any, is made or other terms of payment are agreed upon, send the copies to the requestor, consistently with WAC 44-14-070 below;
d. Acknowledge receipt of the request and provide a reasonable estimate of when records or an installment of records will be available (the public records officer or designee may revise the estimate of when records will be available);

e. Acknowledge receipt of the request and ask the requestor to provide clarification for a request that is unclear, and provide, to the greatest extent possible, a reasonable estimate of time Island Transit will require to respond to the request if it is not clarified. Such clarification may be requested and provided by telephone, and memorialized in writing. If the requestor fails to respond to a request for clarification, and the entire request is unclear, Island Transit need not respond to it. Island Transit will respond to those portions of a request that are clear;

f. Deny the request.

(3) **Consequences of failure to respond.** If Island Transit does not respond in writing with five (5) 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. In calculating the five (5) business days, the following are not counted: The day the agency receives the request, Saturdays, Sundays, and holidays. RCW 1.12.040

(4) **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 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.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If Island Transit believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief written 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.

(6) **Inspection of records.** Consistent with other demands, Island 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 (30) days of Island 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, Island 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.

(7) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(8) **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 (30) 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.

(9) **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 Island Transit has completed a reasonable search for the requested records and made any located nonexempt records available for inspection.

(10) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request, or fails to clarify an entirely unclear request, or fails to fulfill his or her obligations to inspect the records, or pay the deposit, pay the required fees for an installation, or make final payment for the requested copies, the public records officer will close the request and indicate to the requestor that Island Transit has closed the request.

(11) **Later discovered documents.** If, after Island Transit has informed the requestor that it has provided all available records, Island 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.

**Reserved.** WAC 44-14-050

**Exemptions.** WAC 44-14-060

(1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. RCW 42.56.230 through 42.56.470 contain a large number of exemptions from public inspection and copying. RCW 42.56.070(8) specifically prohibits Island Transit from disclosing lists of individuals for commercial purposes. In addition, documents are exempt from disclosure if any “other statute” exempts or prohibits disclosure, RCW 42.56.070(1).

(2) Requestors should be aware of the following exemptions outside the Public Records Act that restrict the availability of some documents held by Island Transit for inspection and copying. The list does not necessarily include all disclosure exemptions that may apply to Island Transit records.
RCW 4.24.550 Information on sex offenders
RCW 5.60.060 Privileged communications
RCW 5.60.070 Court-ordered mediation records
RCW 42.56.600; RCW 7.07 Mediation communications under the Uniform Mediation Act
RCW 7.69A Child victims and witnesses
RCW 9A.82.170 Financial institution records
RCW 10.27 Grand jury records/information
RCW 10.29 Special inquiry judges
RCW 10.52.100 Records identifying child victim of sexual assault
RCW 10.77.210 Records of persons committed for criminal insanity
RCW 10.97 Criminal Records Privacy Act
RCW 13.50 Juvenile records
RCW 13.60.020 Missing children information
RCW 18.04.405 Confidentiality of information gained by CPA
RCW 19.215 Disposal of personal information
RCW 26.26.041 Uniform Parentage Act
RCW 26.26.450 Confidentiality of genetic testing
RCW 26.33 Adoption records
RCW 26.44 Records of child abuse and neglect
RCW 27.53.070 Records identifying the location of archaeological sites
RCW 40.14 Preservation and destruction of public records
RCW 42.23.070 Municipal officer disclosure of confidential information prohibited
<table>
<thead>
<tr>
<th>RCW 46.52</th>
<th>Traffic records</th>
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<tbody>
<tr>
<td>RCW 48.62.101</td>
<td>Local government insurance transactions</td>
</tr>
<tr>
<td>RCW 50.13</td>
<td>Employment security records</td>
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<tr>
<td>RCW 51.28.070</td>
<td>Worker’s compensation records</td>
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<tr>
<td>RCW 51.36.060</td>
<td>Physician information on injured workers</td>
</tr>
<tr>
<td>RCW 60.70.040</td>
<td>No duty to disclose record of common law lien</td>
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<tr>
<td>RCW 68.50.105</td>
<td>Autopsy reports</td>
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<tr>
<td>RCW 68.50 320</td>
<td>Dental identification records</td>
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<tr>
<td>RCW 42.56.360(2); RCW 70.02</td>
<td>Medical Records</td>
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<tr>
<td>RCW 70.05.170</td>
<td>Child mortality records</td>
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<tr>
<td>RCW 70.24</td>
<td>Public health records</td>
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<tr>
<td>RCW 70.48.100</td>
<td>Jail records and booking photos</td>
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<tr>
<td>RCW 70.96A.150</td>
<td>Alcohol and drug abuse treatment programs</td>
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<tr>
<td>RCW 71.05</td>
<td>Mental health records</td>
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<tr>
<td>RCW 71.34</td>
<td>Mental health treatment of minors</td>
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<tr>
<td>RCW 71A.14.070</td>
<td>Records regarding developmental disability</td>
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<tr>
<td>RCW 72.09.345</td>
<td>Notice to public about sex offenders</td>
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<tr>
<td>RCW 74.34.095</td>
<td>Abuse of vulnerable adults – investigations and reports</td>
</tr>
<tr>
<td>RCW 82.32.330</td>
<td>Disclosure of tax information</td>
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<tr>
<td>42 USC § 290dd-2</td>
<td>Confidentiality of Substance Abuse Records</td>
</tr>
<tr>
<td>42 USC 405(c)(2)(vii)</td>
<td>Limits on Use and Disclosure of Social Security Number</td>
</tr>
<tr>
<td>42 CFR Part 2</td>
<td>Confidentiality of Alcohol and Drug Abuse Patient Records</td>
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</tbody>
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45 CFR 160-164 Health Insurance Portability and Accountability Act (HIPAA)

Costs of Providing Copies of Public Records. WAC 44-14-070

(1) **Inspection.** There is no fee for inspecting public records, including inspecting records on the Island Transit website.

(2) **Statutory Default Costs.** Island Transit is not calculating actual costs for copying its records because to do so would be unduly burdensome for the following reasons: Island Transit does not have the resources to conduct a study to determine actual copying costs for all its records; to conduct such a study would interfere with other essential agency functions; and, through the legislative process, the public and requestors have commented on and been informed of authorized fees and costs provided in the Public Records Act including RCW 42.56.120 and other laws. Therefore, in order to timely implement a fee schedule consistent with the Public Records Act, it is more cost efficient, expeditious and in the public interest for Island Transit to adopt the state legislature's approved fees and costs for most of the Island Transit's records, as authorized in RCW 42.56.120 and as published in the agency's fee schedule. (See Attachment A.)

(3) **Fee Schedule.** The fee schedule is available at Island Transit, 19758 SR 20, Coupeville, WA 98239 and on the Island Transit web site at www.islandtransit.org.

(4) **Processing Payments.** Before beginning to make the copies or processing a customized service, 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. Island Transit will not charge sales tax when it makes copies of public records.

(5) **Costs of Mailing.** Island Transit may also charge actual costs of mailing, including the cost of the shipping container.

(6) **Payment.** Payment may be made by cash, check, or money order to Island Transit.
## ATTACHMENT A

### ISLAND TRANSIT FEE SCHEDULE

<table>
<thead>
<tr>
<th>Inspection:</th>
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<tbody>
<tr>
<td>No fee</td>
<td>Inspection of agency records on agency public internet web site or scheduled at agency office.</td>
</tr>
<tr>
<td>No fee</td>
<td>Accessing or downloading records the agency routinely posts on its public internet web site, unless the requestor asks the agency for records to be provided through other means (the following copy charges below then apply).</td>
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<table>
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<tr>
<th>Copies:</th>
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<tbody>
<tr>
<td>15 cents/page</td>
<td>Photocopies, printed copies of electronic records when requested by the requestor, or for the use of agency equipment to make photocopies.</td>
</tr>
<tr>
<td>10 cents/page</td>
<td>Scanned records, or use of agency equipment for scanning.</td>
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<tr>
<td>5 cents/each four electronic files or attachment</td>
<td>Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery.</td>
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<tr>
<td>10 cents/gigabyte</td>
<td>Records transmitted in electronic format or for use of agency equipment to send records electronically.</td>
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<tr>
<td>Actual cost</td>
<td>Digital storage media or devices:</td>
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<td>• CD</td>
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<td>• DVD</td>
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<td></td>
<td>• Thumb drive</td>
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<tr>
<td></td>
<td>• Other</td>
</tr>
<tr>
<td>Actual cost</td>
<td>Postage or delivery charges – Specific amount based upon postage/delivery charges for specific mailings or deliveries.</td>
</tr>
</tbody>
</table>

↑ Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request.