

PUBLIC RECORDS DISCLOSURE



RULES OF PROCEDURE

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PUBLIC RECORDS DISCLOSURE RULES OF PROCEDURE

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PUBLIC RECORDS DISCLOSURE RULES OF PROCEDURE

SECTION 1: GENERAL

1.01 Organization

The City of Redmond ("City") is a non-charter code city with a mayor-council form of government. The City consists of nine departments that provide a variety of municipal services.

1.02 Authority

These Rules of Procedure implements the requirements of and derives its authority from:

- Revised Code of Washington (RCW) Chapter 42.56, the Public Records Act;
- Washington Administrative Code (WAC) Chapter 44-14, Attorney General's Model Rules; and
- Redmond Municipal Code (RMC) Chapter 1.03, City Records.

The Public Records Act requires public agencies to make identifiable, non-exempt public records available for inspection and copying upon request and to provide fullest assistance to requestors. Public records are those related to the conduct of the City that are prepared, owned, used or retained by the City regardless of their physical form or characteristics. Public records maintained by the City are the property of the City.

1.03 Purpose

This document is designed to promote prompt and consistent responses to requests for public records and to provide guidance to those who submit public records requests to the City, and to the City employees who respond to such requests. This document establishes guidelines in order to:

- provide full access to public records;
- provide for the fullest assistance to requestors;
- ensure the most timely possible action on requests for records;
- maintain public access to records while preventing excessive interference with other essential functions of the City; and
- maintain public access to records while protecting public records from damage or disorganization.¹

1.04 Applicability

These rules shall apply to all employees, and elected and appointed officials of the City of Redmond. These rules shall only apply to public records requests, made under RCW Chapter 42.56, and do not apply to responses to other requests for City records, including legal discovery governed by State or Federal Rules of Civil Procedure or as otherwise provided by law.

¹ RCW 42.56.100, WAC 44-14-04001, WAC 44-14-04003

SECTION 2: DEFINITIONS

2.01 Definitions

- **Department Record Coordinator:** A staff member designated by a department director or their designee, whose assigned duties include responding to public records requests for records from their City department. Department Record Coordinators shall have the responsibilities outlined in these Rules of Procedures. See [Section 3.03](#).
- **Exempt record:** A record, or portion of record, that is specifically exempt or prohibited from public disclosure by the Public Records Act, [RCW Chapter 42.56](#), or other State or Federal statutes. See [Section 8.01](#).
- **Identifiable Record:** An identifiable record is a public record, in existence at the time the records request is made, and that City staff can reasonably locate. See [Section 5.04](#).
- **Model Rules:** [WAC Chapter 44.14](#). Advisory rules on Public Records Act compliance published by the Washington State Attorney General's Office.
- **Public Record:** Any documentation, in any format, relating to the conduct of the City or the performance of any governmental or proprietary function that is prepared, owned, used, or retained by the City. A record can be stored on any device or in any physical location. For example: paper, correspondence, completed forms, maps/drawings, photographs, recordings, text messages, social media posts, emails, websites, and electronic records.
- **Public Records Act (PRA):** [RCW 42.56](#). The State law that requires the City to make all public records available for public inspection and copying unless the record falls within the specific exemptions of the PRA or other statute which exempts or prohibits disclosure of specific information or records.
- **Public Records Center:** Electronic portal on City website used for submitting, processing, and fulfilling records requests. The Public Records Center can be accessed at: Redmond.gov/RecordRequest.
- **Public Records Request:** A request for an identifiable record or class of records submitted to the City under the Public Records Act.

SECTION 3: PUBLIC RECORDS STAFF

3.01 Public Records Officer

The City Clerk is the City's designated Public Records Officer and oversees compliance with the PRA. The City Clerk has delegated the responsibility of overseeing the public records request program to the Public Records Disclosure Program Coordinator, who manages and facilitates the program in conjunction with the Department Record Coordinators.

3.02 Public Records Disclosure Program Coordinator

The Public Records Disclosure Program Coordinator is designated by the City Clerk to ensure the City's compliance with the Public Records Act. The Public Records Disclosure Program Coordinator serves to provide City staff and members of the public with a point of contact for public records access and has the following responsibilities:

- oversee compliance with the Public Records Act;
- administer the City's online public records request tracking and processing system;
- with the Department Record Coordinators, serve as a point of contact for the public for access to public records;
- direct the public to appropriate record coordinators in possession of particular records;
- coordinate fulfillment of complex requests and ones that relate to more than one City division/department;
- serve as a resource to the Department Record Coordinators and other staff about topics related to disclosure of public records and fulfillment of records requests;
- obtain Certified Public Records Officer designation from the Washington Association of Public Records Officers;
- disseminate legal updates and policy changes affecting records requests;
- collect and analyze information relevant to the City's performance of public records disclosure;
- report the City's public records request activity/metrics to the Joint Legislative Audit and Review Committee (JLARC);
- maintain a list of Department Record Coordinators; and
- train Department Record Coordinators with respect to City processes and the requirements of RCW 42.56, the Public Records Act.

3.03 Department Record Coordinators

In the interest of providing direct, effective, and timely access to public records, the City has Department Record Coordinators in every department to assist the public in obtaining access to records. These Coordinators are appointed by the Department Director, or their designee, to provide this service in addition to their other job functions. Working in conjunction with the Public Records Disclosure Program Coordinator, Department Record Coordinators will:

- accept requests for disclosure of public records in the possession of their respective departments;
- respond to requestors in accordance with the requirements of state statutes and these Rules of Procedure;
- forward disclosure requests to other City employees as necessary;
- conduct record searches;
- compile responsive records;
- review records and identify any needing further evaluation for legal exemptions;
- arrange for the supervised public inspection and/or copying of responsive records;
- create invoicing for any applicable public record request fees; and
- participate in ongoing training opportunities.

3.04 Training

All public records staff described in this section must obtain and document training regarding the Public Records Act consistent with the Attorney General's Model Rules within 30 days of

beginning to work with public records requests.² Completion of required training is tracked by the Public Records Disclosure Program Coordinator.

SECTION 4: AVAILABILITY OF PUBLIC RECORDS

4.01 Online Availability

The City makes available on its website commonly requested records including the City budget, Council meeting materials, interlocal agreements, ordinances, resolutions and some property records. Requestors are strongly encouraged to search the City website prior to submitting a public records request.

4.02 Records Index

City of Redmond Resolution No. 766, adopted March 15, 1988, declares maintenance of an index of all City records required by RCW 42.56.070 to be unduly burdensome, therefore the City does not maintain such an index. However, in some cases, an index of records may be created and maintained by a City department for internal use. Pursuant to RCW 42.56.070(4)(b), the City will make all such indexes of City records available to the public upon request.

4.03 Retention of Agency Records

The City is not required to retain all records it prepares, owns, or uses. In order to manage its records, the City follows the Washington State Local Government Records Retention Schedules, which are approved and amended by the State Attorney General's Local Records Committee. Retention schedules are based on the content of the record. The retention schedules for City records are available on the Washington State Archives website.

4.04 Preserving Requested Records

When a record scheduled for destruction is the subject of a pending public records request, the City shall suspend any planned destruction and retain requested records until the public records request is resolved.³

4.05 Retention of Public Records Requests and Related Files

Public records requests, any records associated with processing the requests, and responses to the requests are themselves public records, subject to disclosure under provisions of the Public Records Act.

Retention of public records requests and related documentation is governed by the Washington State Local Government Common Records Retention (CORE) Schedule, Disposition Authority Number (DAN) GS2010-014. Such documentation includes but is not limited to the following records:

- internal and external correspondence relating to the request;

² RCW 42.56.152, WAC 44-14-00005

³ RCW 42.56.100

- legal advice/opinions;
- records documenting the public records provided to the requestor (copies or lists of the records provided, etc.);
- records documenting the public records (or portions) withheld (exemption logs, copies of portions redacted, etc.);
- records documenting administrative reviews relating to the request; and
- tracking logs.

The original records that are the subject of the public records request must be retained in accordance with the rules for the applicable records series.

SECTION 5: REQUESTING PUBLIC RECORDS

5.01 Submitting a Public Records Request

In order to fully assist the public in accessing records, the City encourages submitting requests using the Public Records Center, which can be accessed at Redmond.gov/RecordRequest.

5.02 Other Formats

If the requestor does not submit a request through the Public Records Center, they may submit by email, fax, mail, or verbally. The request must be a "specific request" for "identifiable records" which provides "fair notice" and "sufficient clarity" that it is a records request.⁴

As stated in [WAC 44-14-04002](#), when a request is submitted together with other documents not related to disclosure of public records, it is the responsibility of the requestor to provide reasonable notice that a public records request is included.

Official public records requests not entered online through the City's Public Records Center should include, at a minimum, the following information:

- an indication that the request is being made for access to a public record;
- the requestor's name⁵ and contact information, such as email address or phone number;
- identification of what record(s) are being requested, including related details needed to search for the record(s). For example, for land use, building or utility permits, an address or parcel number; for bid documents or an RFP, the name of the project or contract;
- requestor's preferred method of record delivery (i.e. electronic, through US Mail, or in-person pick up).

City staff must be able to recognize a PRA request that is received in another format and forward the request to the City Clerk's office or a Department Record Coordinator so it can be responded to appropriately.

⁴ [WAC 44-14-03006](#)

⁵ If a requestor chooses to remain anonymous, they must provide sufficient contact information for the City to comply with the Public Records Act.

All requests made in any form, other than online, will be entered by staff into the electronic Public Records Center. This will allow the City an efficient method for request confirmation, responding, tracking and fulfillment.

5.03 Police Records Requests

The Redmond Police Department is responsible for the coordination, tracking, and fulfillment of requests for any records relating to Police Department business. The Police Department records portal can be found at Redmond.gov/RecordRequest. Police Department records requests are subject to these Rules of Procedure.

5.04 Identifiable Records Requirement

To obtain records under the PRA, a requestor must ask for identifiable public records.⁶ An identifiable record is one in existence at the time the records request is submitted and that City staff can reasonably locate.⁷ The request must be for identifiable records or classes of records, so the City can search for potentially responsive records. A requestor satisfies the identifiable records requirement when they provide a clear, reasonable description of the existing record.

However, the requestor need not identify the record with precision. A requestor is not required to use the exact name of the record in a request. Providing the fullest assistance to requestors includes assisting them to fairly identify the documents requested. In addition, the City may ask a requestor to clarify a request. See [Section 6.05](#). Staff must not conclude that a disclosure request does not adequately identify the records requested without attempting to obtain clarification from the requestor.

The PRA does not allow a requestor to make "future" or "standing" (ongoing) requests for records not in existence; nonexistent records are not "identifiable".⁸

5.05 Overly Broad Requests

A request for all or substantially all City records is not a valid records request.⁹ However, the Public Records Act prohibits the City from denying a request for public records solely on the basis that the request is overly broad.¹⁰ When receiving a request that appears to be overly broad in nature, the Department Record Coordinator will request clarification from the requestor and consult the City's subject matter expert to ensure that the appropriate records are identified. Staff shall not conclude that a disclosure request is overly broad without attempting to obtain clarification from the requestor. A request for "all records relating to" a topic should not be necessarily construed to indicate that a disclosure request is overly broad.

⁶ [RCW 42.56.080](#), [WAC 44-14-04002\(2\)](#)

⁷ [WAC 44-14-04002\(2\)](#)

⁸ [WAC 44-14-04002\(2\)](#)

⁹ [RCW 42.56.080\(1\)](#), [WAC 44-14-04002\(2\)](#)

¹⁰ [RCW 42.56.070\(8\)](#)

5.06 Requests for Information

An "identifiable record" is not a request for "information" in general.¹¹ Under the PRA, the City does not have broad duties to respond to questions, do research, or provide information that is not an identifiable public record.

5.07 Informal Requests

Department Record Coordinators and other staff members may respond to informal requests immediately. An informal request is one where the records can be provided immediately with minimal staff effort, the same or similar records have been routinely distributed by the department in the past, and there is no need to document the request or the City's response to the request.

5.08 Lists of Individuals

The City is prohibited from disclosing a list of individuals if the requestor intends to use the list for commercial purposes.¹² Commercial purposes are business activities, by any form of business enterprise, including both for-profit and not-for-profit entities, which are intended to generate revenue or other financial benefit. The City may require a requestor to sign a declaration describing the purpose of the request and stating whether they will use a list of individuals for a commercial purpose. In addition, the City Clerk's office may do research to confirm the request is not for commercial purposes. If it is determined the request for a list of individuals is to be used for commercial purposes, the request will be denied.

SECTION 6: PROCESSING OF PUBLIC RECORDS REQUESTS

6.01 General Information on Responding and Processing

- Department Record Coordinators will respond promptly to public records requests in accordance with the requirements of RCW 42.56.520 and these Rules of Procedure.
- Responses shall be impartial and shall concentrate on the process of fulfilling the request for disclosure.
- The City has the discretion to determine the order of processing requests to ensure fullest assistance to all requestors.
- When the same requestor submits multiple, separate disclosure requests at the same time, the City may ask the requestor to clarify the priority of the requests.
- When responding to requests for records that are not in the possession of the City, the Department Record Coordinator is encouraged to direct requestors to other agencies known or believed to be in possession of the records.
- Final responses to public records requests must clearly state that the request is complete and/or closed.

¹¹ WAC 44-14-04002(2)

¹² RCW 42.56.070(8)

6.02 Routing of Public Records Requests

When a public records request is received by the City, it will be assigned to the appropriate Department Record Coordinator for fulfillment. When a request involves multiple departments or divisions, is broad in scope, or is otherwise complicated to fulfill, the Public Records Disclosure Program Coordinator may act as a single point of contact for the City to coordinate fulfillment of the public records request.

6.03 Initial Five-Day Response

The City must respond to a public records request within five business days of receipt of the request, per RCW 42.56.520. The number of days allowed excludes the day of receipt. The initial five-day response to the request must do at least one of the following:

- provide the record(s);
- provide an internet address or link to the City's web site to the specific records requested;
- acknowledge receipt of the request and provide a reasonable estimate of the time the City will require to further respond to the request; may include notification of fulfilling large or complicated requests on an installment basis and provide an estimated time frame for preparation of the first installment;
- acknowledge receipt of the request and ask the requestor to provide clarification for a request that is unclear, and providing, to the greatest extent possible, a reasonable estimate of the time the City will require to respond to the request if it is not clarified;
- deny the public records request, providing a written statement of the specific reasons for denial; or
- inform the requestor that the City does not have any responsive records to the request and is closing the request.

If the City has inadvertently not provided a response to the requestor within the five-day time period, the City will send an initial response immediately upon learning of the oversight.

If a requestor has not received an initial response in writing within five business days of receipt of their request, the requestor is encouraged to contact the City Clerk's office to determine whether the request has been received properly. City Clerk contact information can be found at the Public Records Center.

6.04 Reasonable Time Estimates

When calculating a reasonable estimate of time required to process a disclosure request, several factors are considered. The City needs to fulfill its obligation to prioritize other essential government functions as well as estimate the needed time to perform the proper steps of locating the records and fulfillment. Factors to consider include, but are not limited to:

- the number of public records requests that are currently being processed;
- time needed to refine or clarify a request;
- the number of record locations to search and record custodians involved;
- volume of records requested;

- the time needed to determine if records are exempt from disclosure, which may involve consulting with appropriate City or legal staff;
- the time needed to redact or withhold exempt records and create associated documentation; and
- notify third parties named in the records who might seek an injunction against disclosure.

If records cannot be provided by the date estimated by the City, the Department Record Coordinator will provide a written updated estimate to the requestor at the earliest possible opportunity.

6.05 Requesting Clarification

The City will fulfill any part of a public records request that is clear. At any time during the fulfillment process, the Department Record Coordinator may ask for clarification or refinement of a request in order to identify part or all of the requested records with sufficient clarity. Requests for clarification will focus on identification of records, as opposed to on the purpose for the request. Requests for clarification are best made in writing, documenting both the inquiry and the response from the requestor. If the clarification is made over the telephone, the Department Record Coordinator will confirm the scope of the clarification in writing. The written confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.

If the requestor does not respond within 30 days to a Department Record Coordinator's ask for clarification and the entire request is unclear, the request will be closed and notice sent to the requestor.

6.06 Searching for Responsive Records

The Department Record Coordinators will work with staff to conduct an adequate search for responsive records. It is important to clearly communicate estimated deadlines to the departmental staff and allow sufficient time for them to respond. Adequate record searches must be reasonably calculated to locate all responsive records, and staff members performing the search must follow all obvious leads to locations where responsive records are likely to be found. This search for records must be reasonably calculated to uncover all relevant documents. An agency is not required to go outside its own records in its search.¹³

6.07 Third-Party Notification

At its discretion, or as required by law, the City may notify an individual named in a record, or to whom a record specifically pertains, that release of a certain record has been requested. The individual may have the opportunity to take action and seek an order from the court to prevent or limit the disclosure.¹⁴ The individual will 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. Third party notification may add time to request processing.

¹³ MRSC Practice Tips for Local Governments: "PRA – Performing an Adequate Search for Records"

¹⁴ RCW 42.56.540

SECTION 7: PROVIDING RECORDS

7.01 Creation of New Records

The City is not obligated to create a new record in response to a PRA request,¹⁵ but will, when deemed feasible, tailor existing informational databases or indexes to provide a report responsive to a disclosure request that otherwise would not be produced in the normal course of business. The determination of the feasibility of creating such reports will be made in consultation with the subject matter expert and should consider the ability to redact or withhold exempt information. Databases and reports will not be tailored or produced in such cases where it is deemed unduly burdensome to staff.

7.02 Accessing Records

Records found in response to a records request will be available to the requestor electronically through the Public Records Center unless other arrangements are made for delivery.

7.03 Installments

Records responsive to public records requests may be provided in partial installments when deemed appropriate to provide fullest assistance to requestors. Installment responses may be useful in several instances, including when the quantity of records requested is large, when record holders from several departments are involved, when extensive time is required to locate requested records, or when requested records are difficult to identify. Installments will not be used to intentionally delay fulfillment or inspection of requested records.

7.04 Alternative Formats

When asked by a requestor to convert an electronic record into a different format, staff is encouraged to do so when feasible, provided such conversion is not unduly burdensome and does not interfere with essential City functions. An example might include exporting a database record to a spreadsheet format even though it is not normally maintained as a spreadsheet. Requestors may ask for paper copies of electronic records, subject to applicable copying charges adopted by the City. Electronic file fees and others may apply per Section 9.01 of these Rules of Procedure.

7.05 Inspection of Responsive Records

Requestors may make arrangements with the Department Record Coordinator to inspect records on City premises during normal business hours at a mutually convenient time. Staff shall make every effort to accommodate reasonable requests for appointment times while ensuring the security of public records during inspection. No fee shall be assessed for public records inspection.

The Department Record Coordinator fulfilling the public records request shall provide for the security of records during the inspection, which will be supervised by City staff as deemed

¹⁵ WAC 44-14-04003(6)

appropriate. A requestor may flag selected pages for copying or scanning, and/or take photos of the pages. Agency facilities will be made available to requesters for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. At the end of the scheduled inspection appointment, requestors shall return all inspected records in the condition and order they were provided, and records shall not be altered in any way, rearranged, or removed from folders or City premises during inspection.

Public records are available for inspection and copying, by appointment, during the City's normal business hours of 8:00am to 5:00pm, Monday through Friday.

7.06 Requestor's Deadline

The City may stop processing and close a request if, after written notification, a requestor fails to take any of the following actions within 30 calendar days:¹⁶

- respond to a request for clarification for the portion of the request that is unclear;
- arrange for inspection of requested records;
- claim physical copies of records;
- open or download copies of responsive records or any installment of records provided to the requestor electronically; or
- pay outstanding fees.

To ensure fullest assistance to requestors, a Department Record Coordinator may extend this time period as appropriate and will make a reasonable attempt to contact the requestor before closing a request.

7.07 Later Discovered Documents

If the City becomes aware of additional responsive documents existing at the time of the request, after the City has informed the requestor that all available records have been provided, the Department Record Coordinator will promptly inform the requestor of the additional documents and provide them on an expedited basis.

SECTION 8: REDACTIONS AND EXEMPTIONS

8.01 Withholding of Confidential or Exempt Information

The City will make all records available to the public unless the record falls within the specific exemptions of the Public Records Act, or other statute which exempts or prohibits disclosure of specific information or records.¹⁷

PRA exemptions are set forth in RCW 42.56. Additional exemptions are found in various other state and federal statutes. The Municipal Resource Services Center (MRSC) has developed a comprehensive list of exemptions and prohibitions found in other statutes (see Chapters 5 and 6, and Appendix C of MRSC's Public Records Act publication). The City adopts these lists by

¹⁶ RCW 42.56.120, WAC 44-14-04005

¹⁷ RCW 42.56.070(1)

reference to meet the requirement to publish and maintain a list of exemptions under RCW 42.56.070(2).

Unless the Department Record Coordinator has received prior approval from the City Clerk's office, they must contact the City Clerk or City Attorney's Office before disclosing records which may be confidential or otherwise exempt from disclosure. As needed, the City Attorney's Office will review the material to ensure that all non-exempt information is released.

All documents that are withheld or redacted must be accompanied by an exemption log. See Section 8.02.

8.02 Redaction or Exemption Log

If an entire record is exempt from disclosure, consistent with statutory requirements, the entire record must be withheld from the requestor. However, if only a portion of a record is exempt from disclosure, the exempt portion(s) must be redacted and the remaining nonexempt portions of the record must be provided in full to the requestor.

If records are withheld from the requestor, or if redacted records are provided to the requestor, a written exemption log must be provided. The exemption log must clearly identify the record(s) that have been redacted or withheld, provide the legal citation that provides the basis for the exemption, and a provides a brief explanation of the redaction or withholding.

When requested records are redacted, the Department Record Coordinator shall keep a copy of both the redacted and unredacted records per retention requirements, as outlined in Section 4.05.

SECTION 9: FEES

9.01 Fees for Providing Public Records

The City may assess fees for copies of public records as authorized by RCW 42.56.120. No fee will be assessed for assembling public records and making them available for inspection.

The City has posted the Records Fee Schedule which contains information about fees charged for transmission and scanning of electronic records, paper copies, outsourced copies, and mailing/delivery. Additional fee information is provided below:

- The City may require a 10% deposit before processing a request.
- The City reserves the right to use an outside vendor as necessary and to charge the requestor for those costs.
- The City will provide the requestor with an invoice of applicable charges when the records are available.
- Payment instructions will be included with the invoice. Fees are payable online (with an added transaction fee), in person, or by mail.
- The City will provide copies of the records within two business days of processing payment.

9.02 Waiver

Fees may be waived in the following circumstances:

- charges on a request or installment are less than \$1.00;
- request is made by a state or local agency; or
- as determined by the Public Records Officer that this action is in the best interest of the City.

9.03 Non-Payment

If a requestor fails to pay outstanding fees within 30 calendar days, the records will be refiled, and the disclosure request will be deemed abandoned and closed.¹⁸

SECTION 10: REVIEW PROCESS

10.01 Request for Review of Denial of Access

A requestor may ask the City to review a decision to withhold or redact exempt records by writing to the Public Records Officer, and including a copy of, or detailed description of, the City's statement of withholding.¹⁹ City Clerk contact information can be found at the [Public Records Center](#).

This petition and any relevant information will be forwarded immediately to the City Attorney. The City Attorney will conduct a review and either reverse or affirm the denial within two business days of the City's receipt of the petition. The City and the requestor may mutually agree to a longer period of time for review. If the withholding or redaction is affirmed, the decision shall be considered the City's final action for the purposes of judicial review. If the decision to withhold or redact is reversed, the City shall make the subject records available to the requestor.

10.02 Request for Internal Review of Other PRA Provisions

The City encourages a requestor who has any questions about whether the agency's obligations under any section of the PRA or this Rules of Procedure were met during the processing of a request to contact the Public Records Disclosure Program Coordinator or the Public Records Officer for an internal review. City Clerk contact information can be found at the [Public Records Center](#).

Nothing in this section restricts a requestor's right to bring a lawsuit under [RCW 42.56.550](#).

¹⁸ [WAC 44-14-04005](#)

¹⁹ [RCW 42.56.520\(4\)](#), [WAC 44-14-08001](#)