



# LEGISLATIVE DEPARTMENT POLICY

## Public Records Disclosure

# POL-LD-500

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The purpose of this policy is to ensure Department compliance with the Washington State Public Records Act, RCW 42.56. As a public agency, the Legislative Department supports an open and transparent government. The Department will provide access to records concerning the affairs of the Legislative Department and its official acts in accordance with the Washington State Public Records Act.

### 1. SCOPE

- a. This policy applies to all Department employees, volunteers, and interns. This includes elected officials, regular employees, temporary employees, City-appointed board, commission, committee, public development authority, review panel and council members, and any department employee who may create official records in the course of their work with the Legislative Department.
- b. This policy applies to all requests made for the disclosure of public records from the Legislative Department. This applies to requests made by individual, group, company, agency, attorney, or media. A public record is defined as 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 any state or local agency regardless of physical form or characteristics.

### 2. POLICY

- a. The Legislative Department has a designated Public Records Officer (PRO). The Department has a designated Appeals Officer.
- b. Requests for the disclosure of public records should be made in writing using the Legislative Department's Request Form. Letters, electronic mail, and facsimiles are accepted provided they contain the requisite elements: name, date, address, telephone number, and/or email address of the requestor, and adequate identifiable information of the records being requested. Verbal requests are accepted, but a written record of the request must be created and confirmed with the requestor.

### 3. REQUESTS

- a. Requests for disclosure of public records containing lists of individuals are not released **prior** to the requestor's completion of an affidavit certifying the records will not be used for commercial purposes as provided for in RCW 42.56.070(9). This includes such items as newsletter mailing lists, Council Visitation Logs, Public Comment and Committee Sign-In Sheets. A copy of this form accompanies this policy.



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#### 4. RESPONSE

- a. The Public Records Officer or designate shall respond to all requests for the disclosure of public records within five (5) business days of receipt, excluding weekends and holidays. Initial responses will do one or more of the following:
  - i. Provide for inspection and/or copying of the record;
  - ii. Provide an internet address and link on the agency's web site to the specific records requested or provide copies if the requestor does not have internet access or allow the requestor to view the records using an agency computer;
  - iii. Acknowledge receipt of the request and provide a reasonable estimate of the time necessary to respond;
  - iv. Deny the request in whole or in part and cite the specific exemption(s) that apply accompanied by a written statement setting out the specific reasons therefore;
  - v. Ask for clarification;
  - vi. Inform the requestor the agency does not have responsive records;
  - vii. Forward misdirected requests to the appropriate departmental Public Records Officer with notice to the requestor.
- b. The Public Records Officer or designate shall make responsive records available for inspection and copying during standard business hours. Appointments to inspect and/or copy records are required and shall be scheduled with the Public Records Officer or designate so that they do not interfere with essential department functions.
- c. Records that have passed their required retention period, but are still in the possession of the department at the time a request is made must be maintained in their original form until a request is resolved.

#### 5. DELIVERY

- a. The Public Records Officer or designate provides and encourages electronic delivery of responsive records at no cost to the requestor whenever possible. Paper copies are provided at the current statutory fee. Mailed items will incur the cost of copies plus the actual cost for postage and container or envelope.