

Subject: MULTI-DEPARTMENTAL ADMINISTRATIVE RULES Rules Regarding: Citywide Policy on Public Disclosure	No. MDAR [MDAR number here]	
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Approved: [INSERT SIGNATURE LINES HERE]		
	Authority: SMC 3.104.030	

INTRODUCTION

This Multi-Departmental Administrative Rule (“MDAR”) was enacted in accordance with the notice and hearing procedures set forth in SMC 3.02.030. A notice of hearing was published in the *Daily Journal of Commerce* beginning on June 19, 2017. Notice was also provided on various City websites. A public hearing on the proposed MDAR was held on _____. The City also solicited and reviewed written comments on the proposed MDAR.

Citywide Policy on Public Disclosure

1. PURPOSE

The purpose of this Policy is to establish Citywide policies, procedures, and guidelines to provide full public access to public records, provide for the fullest assistance to requestors, and ensure the most timely possible action on requests for records while preventing excessive interference with other essential functions of the City of Seattle (“City”) and protecting public records from damage or disorganization. This Policy is also designed to promote prompt and consistent responses to requests for public records and to provide guidance to those who submit public disclosure requests to the City and to the City employees who respond to such requests.

2. DEFINITIONS

- **Bot request** means a request for public records that the City reasonably believes was automatically generated by a computer program or script.
- **DoS** means a Denial of Service attack, which is an incident with the effect of depriving a user or organization of a resource they would normally expect to have. A DoS attack may take the form of a distributed denial-of-service (DdoS) attack, which is an attempt to make an online service unavailable by overwhelming it with traffic from multiple sources so that genuine users cannot gain access.
- **Extraordinary request** means a request which involves one or more of the following: exceptionally broad language; substantial, long-term interdepartmental coordination; voluminous quantities of responsive records or data; extensive and detailed legal review; or other significant resource limitations or excessive impacts on essential City functions.
- **Malware** means hostile or intrusive software and malicious programs that may jeopardize or harm computer systems or equipment.
- **Person** means an individual, government, or corporate entity.
- **Public Disclosure Web Portal.** The City’s public disclosure web portal, known as the City of Seattle Public Records Request Center (“PRRC”), includes: (a) a web portal for submitting, tracking, processing, and providing responses to public disclosure requests; (b) information and links to City websites containing frequently requested public records and public records related to current issues; (c) information on the appeals process; (d) a reference to the Code Reviser’s list of exemptions from disclosure; and (e) a copy of the City’s fee schedule for copies and delivery of public records.

3. APPLICABILITY

This Policy is applicable to all City departments, boards, and commissions subject to the Washington State Public Records Act (“PRA”).

4. PUBLIC DISCLOSURE STAFFING

4.1 Citywide Public Records Act (“CPRA”) Program Staff

CPRA program staff shall coordinate the City’s public disclosure activities. The responsibilities of CPRA program staff shall include the following:

- Case managing and coordinating responses to multi-departmental requests when necessary.
- Managing requests in accordance with Sections 5.2.1 through 5.2.3 of this Policy.
- Maintaining current lists of Public Disclosure Officers (“PDOs”) and alternate PDOs by department and updating the PRRC web portal accordingly.
- Overseeing administration of PRRC web portal.
- Managing retention of PRRC records to ensure compliance with public records log requirements under chapter 42.56 of the Revised Code of Washington (RCW) and records retention requirements.
- Providing nonlegal assistance to PDOs.
- Tracking public disclosure requests as needed.
- Managing reporting process under chapter 42.56 RCW by collecting and compiling required data and developing mechanisms to facilitate data collection in accordance with reporting requirements.
- Managing application process for competitive grant program established under chapter 42.56 RCW should the City choose to apply for a grant.

4.2 Public Disclosure Officers

4.2.1 Each department shall have at least one designated PDO and at least one designated alternate PDO, the latter to carry out the PDO’s functions when the PDO is not available due to vacation, sick leave, or otherwise.

4.2.2 The individual(s) serving as the departmental PDO(s) may change from time to time. The name and contact information for the individual(s) currently serving as the departmental PDO(s) shall be communicated to CPRA program staff, who will ensure that the most current information is reflected in the PRRC web portal so that requests are directed to the appropriate staff within a department.

4.2.3 The departmental PDO(s) will be available for assistance to the public and may delegate any of their responsibilities to department staff but remain ultimately responsible for overseeing compliance with the PRA and City policy for their department. The departmental PDO(s) shall:

- (a) Complete all onboarding requirements for new PDOs upon assuming PDO duties;

- (b) Be responsible for creating and implementing department processes regarding disclosure of public records;
- (c) Serve as the principal contact point with any requestor who has made a records request;
- (d) Track all departmental time spent in responding to public disclosure requests;
- (e) Assist department staff in responding to requests, generally ensuring staff compliance with public disclosure requirements;
- (f) Assist in gathering data and information for reporting and logging requirements under chapter 42.56 RCW;
- (g) Serve as department's liaison for Citywide public records initiatives and coordinated responses;
- (h) Stay apprised of any communications with the Law Department involving legal advice pertaining to public disclosure requests;
- (i) Attend public disclosure trainings and other programming provided by the Law Department in coordination with CPRA program staff;
- (j) To the extent feasible, attend trainings by the Washington Association of Public Records Officers ("WAPRO") and/or pursue certification; and
- (k) Use the PRRC to manage their department's public disclosure requests.

5. PUBLIC DISCLOSURE REQUESTS

5.1 Submitting Requests

5.1.1 How to submit a request to the City: The City's standard, preferred request method is using the online PRRC web portal.

5.1.2 Alternate means of submitting requests: Although requestors who have the means to do so are strongly encouraged to use the PRRC web portal to make requests, a requestor may also submit a request via USPS mail or email, by telephone, or in person during the City's customary office hours. The PDO or PDO designee will enter a request received in person or via mail, email, or telephone into the PRRC for purposes of tracking, processing, and providing responses to such public disclosure requests.

5.1.3 The City has no duty to accept certain automated or "bot" requests. The City may deny bot requests that are one of multiple requests from a requestor within a 24-hour period if responding to the multiple requests would cause excessive interference with the City's other essential functions. Bot requests pose a security risk to the City and thus interfere with the City's essential functions, because they could introduce malware to City systems or be used for a DoS attack on the City. The City has the discretion to block any request(s) if it has a reasonable basis to believe that the request(s) pose a security risk to the City or any of its systems or equipment.

5.1.4 The City does not accept requests via social media or voicemail. The City cannot ensure that it will properly recognize or even receive a request sent by means other than the City's adopted procedures. For example, the City will not monitor social media sites or review voicemail on the chance that a requestor may attempt to submit a request via one of those methods.

5.2 Processing Requests

5.2.1 Request Management. To provide fullest assistance to all requestors, prevent damage to or disorganization of City records or excessive interference with other essential City functions, or ensure that the appropriate amount of City time and resources will be fairly allocated among all requests and requestors, a PDO or the CPRA program staff may do one of the following:

- Process multiple requests from a single requestor consecutively rather than simultaneously. The City has discretion to determine the order for processing the requests;
- Treat multiple requests from a single requestor as a single request; or
- Process multiple similar requests from different requestors (within or across departments) together as a group. Each requestor will receive a duplicate copy of the response as appropriate.

5.2.2 Order of Processing Requests. To allocate resources efficiently and fairly, and provide fullest assistance to all requestors, the City will process requests in the order that allows the greatest number of requests from the greatest number of requestors to be processed.

5.2.3 Allocating Specific Amounts of Time and Resources to Requests and Requestors. To provide fullest assistance to all requestors and to prevent excessive interference with other essential City functions, the City may allocate specific amounts of time and resources to responding to a request, whether individual or grouped, and/or to a particular requestor. This may include, but is not limited to, allocating a specific number of hours per week or month to be spent by public disclosure staff and/or by employees for whom responding to records requests is not among their primary assigned duties. The amount of time allocated shall be based on the factors detailed in Section 5.3.2 of this Policy.

5.2.4 Fullest Assistance. The City's obligation to provide fullest assistance extends to all requestors. Fullest assistance does not require the City to ignore or modify its internal business processes for responding to public records requests or to comply with aspects of a request altering the City's internal administrative matters. Fullest assistance does not mean that the City must acquiesce to demands of one requestor if it may detrimentally affect the City's ability to provide fullest assistance to other requestors, result in damage or disorganization of agency records, or excessively interfere with other essential agency functions.

5.2.5 Exemptions and Redactions. Some records are exempt from disclosure, in whole or in part. Exemptions may be found in the Public Records Act (Chapter 42.56 RCW) and in other statutes. In determining whether particular records are

exempt from disclosure, the City looks to the list of exemptions that the Washington State Code Reviser provides to the Sunshine Committee on an annual basis. That list is available on the Sunshine Committee's website.

5.2.6 Responding to Requests in Installments. Based on the factors detailed in Sections 5.3.2 and 5.3.3 of this Policy, the City may elect to provide records on an installment basis to a requestor, whether individual or grouped. Subject to Section 5.3.5 of this Policy, the PDO should provide a reasonable estimate in the PDO's initial written response as to when the first installment will be available. A PDO may require a deposit prior to processing the request as provided in Section 5.4.6 of this Policy.

5.2.7 Customized Service Charge. Customized access is nonroutine access to electronic records that requires specialized programming. A customized service charge may be imposed if 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 City for other purposes. Prior to assessing a customized service charge, the PDO must notify the requestor of the estimated charge and provide an opportunity for the requestor to amend the request to avoid customized service charges.

5.3 Communicating with Requestors

5.3.1 Written Responses. The PRA requires that agencies provide a written response to all public disclosure requests within five full business days of receipt, exclusive of weekends and holidays. In other words, if a request is received on a Monday prior to 5 p.m., typically a response must be sent no later than the following Monday prior to 5 p.m. Initial responses will do one or more of the following:

- (a) Make the records available for review;
- (b) Provide a link to the requested records, unless requestor is unable to access the records through the internet;
- (c) Acknowledge the request and, subject to Sections 5.3.2, 5.3.3, 5.3.4, and 5.3.5 of this Policy, provide a reasonable estimate of time within which the City will respond to the request;
- (d) Deny the request in whole or in part and cite the specific exemption(s) that apply;
- (e) Ask for clarification for a request that is unclear and provide, to the greatest extent possible, a reasonable estimate of time within which the City will respond to the request if it is not clarified;
- (f) Let the requestor know that there are no responsive records;
- (g) Forward any requests that may involve multiple departments to CPRA program staff and/or relevant departmental PDOs; and/or

- (h) Forward any misdirected requests to the appropriate departmental PDO. Misdirected requests will be forwarded as quickly as possible upon determining the appropriate department.

5.3.2 Reasonable Estimate of Time. Subject to Sections 5.3.3, 5.3.4, and 5.35 of this Policy, when the City receives a public records request, the PDO will determine a reasonable estimate of time within which the City will respond to the request, factoring in the nature, volume, and availability of the requested records; the amount of time necessary to respond to a particular request and its effect on the amount of PDO and non-PDO staff time that can be devoted to responding to the requests of other requestors; and the impact on essential City functions. Specific factors that may affect the response time estimate include, but are not limited to:

- (a) Number of pending requests from the same requestor;
- (b) Volume of records requested;
- (c) Complexity or ambiguity of the request;
- (d) Requests for underlying metadata;
- (e) Access to database or electronic system records;
- (f) Information Technology (IT) staff involvement;
- (g) Records not easily identified, located, and/or accessible;
- (h) Current PDO staffing;
- (i) Current staffing of any involved City departments;
- (j) Research by City staff;
- (k) Amount of time needed by City staff who are not primarily responsible for public disclosure processing;
- (l) Number of department personnel or other City departments involved;
- (m) Third-party notice;
- (n) Complex review to determine if content is exempt;
- (o) Extensive and complicated electronic redaction;
- (p) Legal review;
- (q) Resolving issues related to retention of responsive records; and/or
- (r) Grouped requests.

5.3.3 Revised Reasonable Estimate of Time. At any time while processing a response, a PDO may provide the requestor with a revised reasonable estimate of time within which the City will respond to the request. A revised estimate of time will be based on the factors detailed in Section 5.3.2 of this Policy. In addition, a revised reasonable estimate of time may be based on:

- (a) Any unexpected or unforeseen delays encountered during the request processing;
- (b) Additional requests submitted by the same requestor while the initial request(s) remains pending;
- (c) Changed staffing resources, general workload, or schedule; and/or
- (d) Other changed circumstances or other considerations ascertained during processing.

5.3.4 Unclear Requests. In acknowledging receipt of a records request that is unclear, the PDO should work with the requestor to clarify what records the requestor is seeking in addition to providing, to the extent possible, a reasonable estimate of the time needed to respond to the request if not clarified. If the requestor fails to respond to the PDO's request for clarification and the entire request is unclear, the PDO need not respond to the request, but if any portions of the request are clear, the PDO must respond to those portions.

5.3.5 Extraordinary Requests. When the City receives an extraordinary request, the City may, pursuant to Section 5.3.1 of this Policy, provide a reasonable estimate of the time it will take to provide a substantive response. That substantive response may be a denial, clarification, or initial plan to locate, retain, review, and produce records responsive to the request. The City may, at any time, revise its estimate upon further review or changed circumstances as provided in Section 5.3.3 of this Policy. In calculating the reasonable estimate of time required for the City to determine how to respond to an extraordinary request, the City shall consider the factors detailed in Section 5.3.2 and 5.3.3 of this Policy.

5.4 Delivering Records

5.4.1 Standard Method of Records Delivery. Providing electronic records via the PRRC web portal is the City's primary, preferred delivery method, because it is the most reasonable and cost-efficient method available to the City as part of its normal operations. However, the City may provide certain highly sensitive records via alternative methods.

5.4.2 Alternative Methods of Records Delivery. At the specific request of a requestor, or when necessitated by the sensitive nature of a particular record, records may be provided by the following alternative methods:

- Inspection
- In-person pickup
- Paper copies
- Electronic records, including scanned copies, on portable media purchased by the City, *e.g.*, CDs/DVDs, thumb drives, or portable hard drives
- USPS mail
- Other methods

The City will not provide records on portable media (*e.g.*, thumb drives) provided by a requestor or by uploading to a privately maintained file-sharing site (*e.g.*, private FTP site, cloud storage, etc.).

5.4.3 The City is not required to provide records in a particular electronic format. The electronic formats used by the City for delivery of records are reflected in Sections 5.4.1 and 5.4.2 of this Policy.

5.4.4 Appointments for Inspection. The City generally provides for inspection of public records by appointment. The PRA states that public records shall be available for inspection and copying during the customary office hours of the agency (RCW 42.56.090). City records are customarily made available for inspection at the office of the specific department that maintains those records. Records that have been assembled in response to a request will be available by appointment during normal department business hours (normally 9 a.m. to noon, and 1 to 5 p.m.). Appointments shall be scheduled so that they don't interfere with essential department functions. City departments must take reasonable precautions to protect records from damage and disorganization, including assigning individuals to be present during review of public record originals. There is no fee for inspection of public records.

5.4.5 Copying Fees. The City's fees for copies of records shall reflect the amounts listed in the City's Statement of Costs pursuant to RCW 42.56.070(7). The City will only accept fees upon issuing an invoice; with the exception of deposits for large requests in accordance with Section 5.4.6 of this Policy, requestors may not pay for records in advance. The City does not charge requestors for the costs of redaction, except as permitted under RCW 42.56.240(14).

5.4.6 Deposits. Before copying records for a request, whether individual or grouped, or for any installment, the City may require up to a ten percent deposit to cover the total cost of copying the records or installment, including a customized service charge. If a requestor fails to pay a deposit within 30 days, the City will deem a request abandoned as reflected in Section 5.5 of this Policy.

5.4.7 Requestors may not attach devices or cables to City systems or equipment. Because of the potential for introducing a threat to the security of or otherwise damaging City systems or equipment, the City does not allow requestors to attach or insert their own devices or cables into any City computer system, equipment, or USB port. Copying of records from a City system or equipment will be done by City staff. The requestor must reimburse the City's cost for the storage media. The PDO has the discretion to make and provide copies at a later date if doing so at the time of inspection would interfere with other agency operations.

5.5 Abandoned Requests

5.5.1 Definition of Abandoned Request. The City will deem a request abandoned in the following circumstances:

- (a) If a requestor fails to respond to a City request to clarify, whether individual or grouped, within 30 days of the request for clarification, and the entire request is unclear;
- (b) If a requestor has elected to inspect records, the request, whether individual or grouped, may be deemed abandoned:
 - 1) If the requestor fails to contact the PDO to arrange for the review of the first installment within 30 days of making arrangements to inspect the records in person;
 - 2) If the requestor misses an appointment to inspect responsive records or any installment of records and fails to contact the PDO to arrange another appointment to inspect within 30 days of the missed appointment;
- (c) If a requestor has elected to receive copies of records, a request, whether individual or grouped, may be deemed abandoned:
 - 1) If the requestor fails to open and download within 30 days copies of responsive records or any installment of records provided to the requestor electronically;
 - 2) If the requestor fails to pick up hard copies of responsive records or any installment of records within 30 days of the date on which such copies are made available for pickup;
 - 3) If the requestor fails to pay for copies of any records or any installment of records within 30 days of receiving an invoice for those records; or
 - 4) If the requestor fails to pay a deposit, as provided in Section 5.4.6 of this Policy, within 30 days of receiving an invoice for such deposit.

5.5.2 Effect of Abandoned Request. Upon deeming a request, whether individual or grouped, abandoned as indicated in Section 5.5.1 of this Policy, the City may stop processing and close the request. If a grouped request is abandoned, the City has the discretion to stop processing and close all individual requests that have been grouped as a single request.

6. APPEALS

6.1 Administrative Appeals Officer. Each department shall have an administrative appeals officer within or outside the department who shall be responsible for reviewing appeals. The PRRC web portal shall include instructions for submitting appeals, and departments in receipt of appeals shall be responsible for providing them to the designated administrative appeals officer on a timely basis.

6.2 Response to Appeal. Upon receipt of an administrative appeal, the department or designee shall send a written response to the requestor within two business days. The written response shall do one of the following:

- Uphold the department’s initial response to the request;
- Modify the department’s response to the request; or
- Inform the requestor that review of the administrative appeal will require additional time and provide an anticipated date when the review will be complete.

7. PUBLIC DISCLOSURE TRAINING

In accordance with RCW 42.56.152, basic public disclosure training has been and will continue to be provided citywide to create a culture of compliance within the City. The Law Department, in conjunction with CPRA program staff and departmental PDOs, will continue to conduct regular public disclosure trainings for PDOs, as well as other City employees who would benefit from such training. Trainings will address, among other topics, issues related to the retention, production, and disclosure of electronic documents, including updating and improving technology information services.

8. RETENTION OF RECORDS

The City maintains and destroys public records in accordance with state law. The City’s retention schedule is available online. Records documenting the process of fulfilling specific requests and the records responsive to them are retained for the applicable retention periods.

9. FREQUENTLY REQUESTED RECORDS

The City maintains frequently requested data online through its Open Data Program, and the City’s PRRC web portal includes links to frequently requested records. Historical information is also available at Seattle Municipal Archives. Requestors are encouraged, though not required, to review these resources prior to making a public disclosure request.