

Office of City Auditor – Public Policy

Public Disclosure Policies and Guidelines for the Office of City Auditor

0.0 Background

In May of 2009, the Seattle City Council passed ordinance 122969, requiring all departments to develop and adopt rules by November 1, 2009 indicating how they will implement specific requirements of the Washington State Public Records Act, RCW Chapter 42.56 (the Act).

1.0 Purpose

The purpose of this rule is to provide policies and guidelines for the Seattle Office of City Auditor (the Office) for the promotion of consistent procedures and prompt responses to requests for public records, and to provide guidance to those who submit public records requests to the Office of City Auditor.

2.0 Definitions

- 2.1 **Public Record** means any paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, compact disc meeting current industry ISO specifications, or other document, regardless of physical form or characteristics, and including such copies thereof, that have been made by or received by any agency of the state of Washington in connection with the transaction of public business, and legislative records as described in RCW [40.14.100](#) (per RCW 40.14.010).
- 2.2 **Exempt Information** means any information that is precluded from disclosure under the Public Records Act, or any other law.
- 2.3 **Redact** means to ‘black out’ or obscure a portion of a document.
- 2.4 **Administrative Appeal** means an internal office process to review denials of public records requests.

3.0 **Applicability.** This rule applies to the Office of City Auditor and all public records in its custody.

4.0 Policies

- 4.1 **Training.** Public disclosure training has been and will continue to be provided city-wide to create a culture of compliance within the City of Seattle. The Department of Executive Administration will work with the Law Department to continue conducting regular trainings. The Office’s PDO and Assistant PDO shall attend these training sessions as needed.
- 4.2 **Central Coordination.** Although individual City departments are not required to coordinate with each other on responses to public records requests, one of the challenges and goals for a municipality as large as Seattle is to connect requestors with the appropriate department as soon as possible. At a minimum, the Office will implement the following to aid requestors:
- 4.3 **Public Disclosure Officer (PDO).** There will be a function in the Office that will respond to public records requests for the Office. To the extent feasible, the Office PDO will work together with the DEA Public Disclosure Coordinator and

with other departmental public disclosure officers to direct requestors and facilitate responses to requests that involve multiple departments.

4.4 Public Disclosure Web Portal. The Department of Executive Administration will be responsible for developing and maintaining a central public disclosure website to include:

- (a) Areas for the public to access frequently requested records;
- (b) Links to department websites containing public records related to current issues;
- (c) A list of city-wide public disclosure officers and their contact information;
- (d) A form for submitting public records requests;
- (e) Links to city records retention schedules and/or the City Clerk's Records Management Program;
- (f) The appeals process and responsible appeals officers; and
- (g) A list of common exemptions to disclosure.

4.5 Public Disclosure Log. The Department of Executive Administration will be responsible for maintaining a citywide public disclosure log of all public records requests submitted to the City of Seattle that will include:

- a) Tracking of staff time and expenditures related to responses to records requests;
- b) Request date; response date(s); closing date; requestor name; responsible agency(s); referrals to other departments; general subject of request; general information on redactions; and information on appeals and determinations.

4.6 Website Link. The name of the Office's PDO(s) shall be available on the Office of City Auditor's website.

5.0 Public Records Requests

5.1 Public Disclosure Officers

5.1.1 The Office shall have a designated Public Disclosure Officer (PDO) and an Assistant Public Disclosure Officer. The Assistant Public Disclosure Officer will carry out all of the functions of the Public Disclosure Officer's duties when the PDO is not available due to vacation, sick leave, or otherwise.

5.1.2 The person serving as the Office PDO may change from time to time. The name and contact information for the individual currently serving as the Office PDO shall be communicated to the DEA Public Disclosure Coordinator and clearly identified on the Office's website.

5.1.3 The Office PDO will be available for assistance to the public and may delegate any of their responsibilities to Office staff, but remains ultimately responsible for overseeing compliance with the Public Records Act and this Policy for the department. The Office PDO shall:

- (a) Be responsible for implementing Office processes regarding disclosure of public records;

- (b) Serve as the principal contact point with any requestor who has made a records request, unless they have delegated the responsibilities for a particular records request to another staff member; and
- (c) Coordinate Office staff in responding to requests, generally ensuring staff compliance with public records disclosure requirements.

5.2 All records requests must be directed to the Office Public Disclosure Officer.

After the initial request, all subsequent communications from a requestor should also be directed to the PDO, unless a staff person has been delegated the responsibilities for a particular request.

5.3 To the extent feasible, if the Office possesses non-exempt records that are requested frequently the Office website shall make those records available online.

5.4 Making a Request

5.4.1 The Office may ask that a request for public records be submitted in writing, including email, but shall not require written public records requests. Requests delivered orally or by telephone shall be documented, and if possible, verified through written communication.

5.4.2 If the Office receives a misdirected request the PDO shall forward that request directly to the appropriate City department public disclosure officer or the DEA Public Disclosure Coordinator.

5.5 Responding to a Request.

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

- a) Make the records available for review;
- b) Provide a reasonable estimate of time (see 5.5.2) as to when records will be available;
- c) Deny the request in whole or in part and cite the specific exemption(s) that applies;
- d) Ask for clarification;
- e) Let the requestor know that there are no responsive records; and/or
- f) Forward any requests that may involve multiple departments to the DEA Public Disclosure Coordinator; and/or
- g) Forward any misdirected requests to the appropriate departmental PDO or the DEA Public Disclosure Coordinator. Misdirected requests should be forwarded as quickly as possible upon determining the appropriate department.

- 5.5.2 Reasonable Estimate of Time.** Estimates of time required to respond to a request can take into account factors such as the department's resources, staff vacations, overall workload, and the volume and nature of the records involved. The estimated time to fulfill a request may also include the time required to give third party notice.
- 5.5.3 Unclear Requests.** In acknowledging receipt of a records request that is unclear, the Office shall work with the requestor to clarify what records the requestor is seeking.
- 5.5.4 Large requests – responding in installments.** When a request is for a large volume of records, the Office may elect to provide records on an installment basis. In such case, the PDO should provide a reasonable estimate in the initial written response concerning when the first installment will be available, and if possible, a schedule for future installments. If a requester does not contact the PDO within 30 days to arrange for the review of the first installment, the Office may deem the request abandoned.

6.0 Review of Public Records. Records that have been assembled in response to a request will be available by appointment during normal Office business hours (normally 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m.). Appointments shall be scheduled so that they don't interfere with essential functions of the Office. The Office 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.

7.0 Copies of public records.

- 7.1 Deposits.** Before copying a record for an installment, or for the total request, the Office may require up to a ten percent deposit to cover the total cost of copying.
- 7.2 Costs for standard copies.** The Office may charge .15 cents per page (not per side) for standard 8 ½ by 11 inch black & white paper copies of public records.
- 7.3 Non-standard copies.** The Office may charge its actual cost, including the use of a third party vendor, for providing copies of non-standard records, such as color copies and over-sized maps. When considering use of a third party vendor, the Office shall notify and request approval from the requestor regarding the costs.
- 7.4 Electronic records.** If possible, electronic records should be provided in their existing format, if requested in that format. When electronic files are burned onto a CD, the requestor may be charged \$1.00 per CD. When standard 8 ½ x 11 records are scanned from paper to .PDF, the requestor may be charged .10 cents per page.

8.0 Electronic databases/systems. Many of the City's databases and software systems may be large, use proprietary or legacy software, and contain data that is legally exempt from disclosure. However, databases contain public records subject to the Public Records Act, and as such the city should work closely with requestors to identify and present the options for obtaining requested data.

- 8.1** Standard queries and reports from databases shall be gathered, provided and charged similar to a standard request. Requests for customized data compilations that fall outside standard queries, reports, or formats that involve specialized knowledge in computer skills and substantial time to create new records may sometimes be obtained at extra cost.
- 8.1.1 Mail.** If requested, the Office must mail records to requestors; however, the requestor may be required to cover the cost of the postage and shipping materials.
- 8.1.2 Installments.** If the Office makes a request available on a partial or installment basis, the Office may charge for any copies requested as each portion is provided
- 8.1.3 Small requests.** Any requests for standard copies of less than fifteen pages of public records may be provided at no charge.
- 9.0 Redactions and Exemptions.** The Office's response refusing, in whole or in part, inspection of any public record shall include an identification of the record and a citation to the specific exemption authorizing the withholding of the record (or portion of a record).
- 9.1 Redactions.** Redactions shall be identified along with the specific exemption that applies.
- 9.2 Documents exempt from disclosure.** If the Office determines that a record is exempt from disclosure in its entirety, the Office shall inform the requestor in writing, including the following:
- (a) A citation of the specific exemption;
 - (b) The type of record being withheld;
 - (c) If necessary, a short explanation of how the exemption applies to the record;
 - (d) The date the record was created; and
 - (e) The author, recipient, and subject matter, or if otherwise protected, other means of sufficiently identifying particular records without disclosing protected contents.
- 10.0 Appealing denial of a request.**
- 10.1 Administrative Appeals Officer.** The Office shall have a designated administrative appeals officer who shall be responsible for reviewing appeals. The public disclosure web portal shall include the contact information for the administrative appeal officer along with the appeals process.
- 10.2 Response to appeal.** Upon receipt of an administrative appeal, the Office shall send a written response to the requestor within two business days. The written response shall do one of the following:
- (a) Uphold the Office's denial of the request;
 - (b) Modify the Office's response to the request;
 - (c) Inform the requestor that review of the administrative appeal will require additional time and provide an anticipated date when the review will be complete.