



CITY OF KIRKLAND
Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Director, and Finance & Administration
Kathi Anderson, City Clerk/Public Records Officer
Caleb Stewart, Public Disclosure Analyst

Date: April 2, 2014

Subject: STATUS UPDATE: PUBLIC DISCLOSURE LEGISLATION IMPLEMENTATION

RECOMMENDATION:

City Council receives a status update on the implementation of Council's 2013 legislation related to public records disclosure.

BACKGROUND DISCUSSION:

At the February 8, 2013 City Council retreat, Council reviewed a draft Public Disclosure Ordinance to further define the City's process to help ensure compliance with the Public Records Act in an age of ever-expanding technology and to prevent excessive interference with other essential functions of the City.

With the Ordinance, the City sought to establish a standard for determining levels for the application of "reasonable" public records resources, to define public records categories and broad response time guidelines, designate staff committees to oversee and execute the implementation and to set expectations both internally and with the public. On July 16, 2013, the Council adopted the Public Disclosure [Ordinance](#) following discussion at the June 17, 2013 Council Retreat. A [Resolution](#) updating the [City's Public Records Rules](#) to be consistent with the Ordinance was approved at the same meeting. Ordinance 4414 created two staff teams. The first was the Public Disclosure Steering Team consisting of the City Manager, Director of Administration and Finance, City Attorney and City Clerk, responsible for reviewing written objections to denials, proposed amendments to the Rules, manage the queues under certain circumstances, and recommending any changes to KMC Chapter 3.15. The second was the Public Disclosure Coordinating Team made up of representatives from each City department, responsible for managing the records request queues based on the Rules criteria.

Since the adoption of the Resolution and Ordinance, the City has purchased WebQA's software to assist with implementing the structure required for compliance with the legislation. On January 2, 2014, the City began tracking public records requests and responses by department and category through this new software application. Staff will provide a brief demonstration of the software at the April 15 Council meeting.

Current Status

The soft launch of the program has gone well. While staff are still on a learning curve, departments have provided vital input toward configuration adjustments to improve our business processes. Key components under review include drafting written protocols and practices in how we manage certain types of requests using the software and coordination of

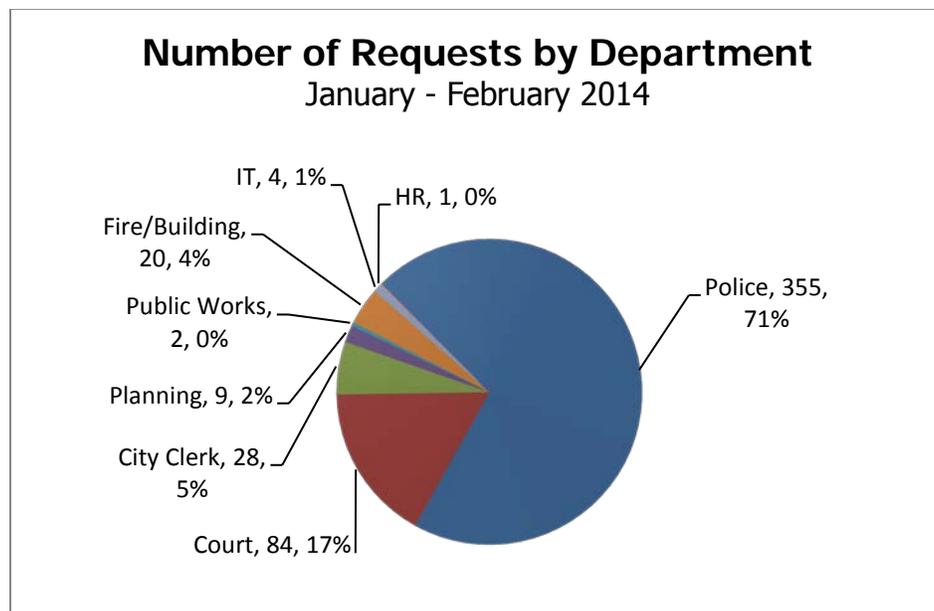
requests that involve multiple departments. Statistics generated by the system are used to identify process refinements and training needs. As discussed below, the key statistics for these purposes are: number of requests by department, closed requests by category, and average days to close each request by category.

Number of Requests by Department

One of the most basic statistics is the number of requests processed by the City. For these purposes, the requests that are tracked by department are: City Clerk/Finance and Administration, Fire and Building, Human Resources, Information Technology (IT), Parks, Police, Planning, Public Works, and the Municipal Court. Note that, though the Municipal Court’s records requests are not governed by the Public Records Act, the City tracks the requests processed by the Court for budget and workload evaluation purposes.

In the first two months of tracking, 504 requests have been processed, which would annualize to over 3,024 requests for the year. These numbers are far below the initial estimate of 7,000 requests provided to Council at the [February 8, 2013](#) meeting, partly because the City did not have organization-wide logs in place to track requests and provide hard numbers, and partly due to clarification of what constitutes a public records request, resulting in a re-classification of some of the workload. A more detailed explanation of that clarification decision follows later in the memo. As a result of that clarification/policy change, a new baseline will be established in this first year of the software implementation.

The highest number of requests are processed by the Police department. Over the first two months of tracking, Police have processed 355 requests. The next highest number of requests are managed by the Municipal Court, which has processed 84 requests over the same two month period. In general, complex requests involving a large volume of records and/or multiple departments are managed by the City Clerk’s Office (28 requests in the first two months).



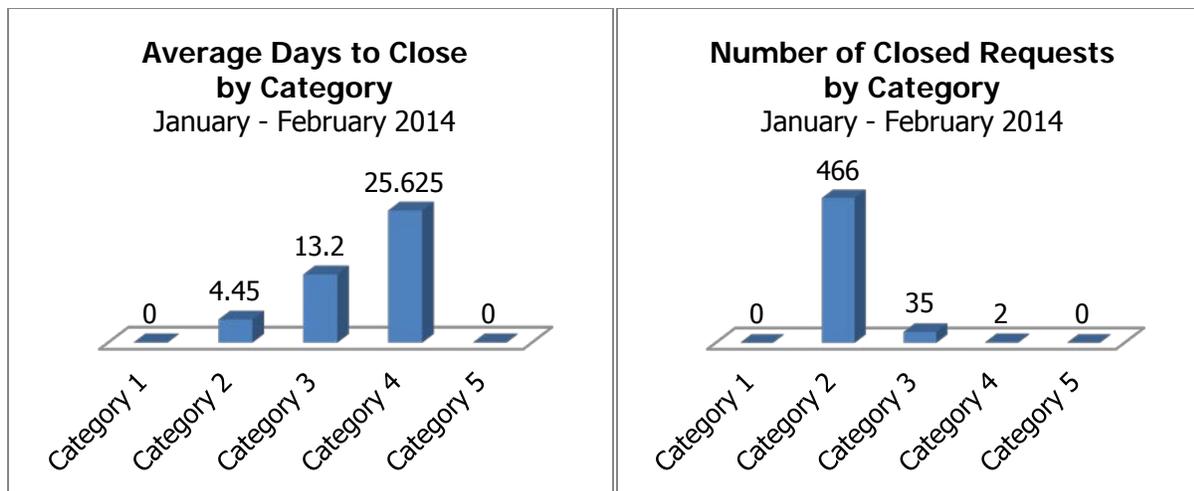
Closed requests can be viewed in the system "logs" and, in many cases, the records can be obtained online as well. Active requests by category can be viewed in the system "queues."

Closed Requests by Category

Also important in understanding the City's public records processes are the number of requests closed based on category. The categories are defined below.

- a) **Category 1** requests require immediate response in the interest of public safety (imminent danger). These requests shall take priority over all other requests.
- b) **Category 2** requests are routine or readily filled requests for easily identified and immediately accessible records requiring little or no coordination between departments.
- c) **Category 3** requests are routine requests that involve:
 - i. a large number of records, and/or
 - ii. records not easily identified, located and accessible, and
 - iii. records that require coordination across a number of departments.
- d) **Category 4** requests are complex requests which may be especially broad or vague which involve:
 - i) a large number of records that are not easily identified, located or accessible,
 - ii) requiring significant coordination between multiple departments, and
 - iii) research by City staff who are not primarily responsible for public disclosure and/or
 - iv) review by public disclosure staff to determine whether any of the records are exempt from production.
- e) **Category 5** requests are complex requests that may be especially broad or vague which involve:
 - i) a large number of records that are not easily identified, located or accessible,
 - ii) requiring coordination between multiple departments, and
 - iii) research by City staff who are not primarily responsible for public disclosure and/or
 - iv) Legal review and creation of an exemption log. These requests may require additional assistance from third-parties in identification and assembly.

The statistics below show the differences in Categories, and how our process times shift based on the complexity of the requests. The difference, for instance, between a Category 2 and a Category 4, on average, is close to 20 days from open to close. The ranges are close to what we had anticipated and the statistics demonstrate that the vast majority of the requests we process, classified as Category 2, are closed within five days.



Category 1 Reclassification as Interagency Requests

Initial 2013 staff estimates projected that Category 1 requests would comprise a large percentage of the requests processed by the Police department. However, as implementation planning progressed, staff recognized that pre-implementation requests characterized as Category 1 were largely made up of "interagency requests" such as between police departments or between the police and the court systems which fall outside the scope of the Public Records Act. At their **September 10, 2013** meeting, the **Public Disclosure Steering Team** made the decision to exclude those interagency requests prior to implementation of the tracking software, as they would otherwise require an extensive queue system and level of effort that did not serve any purpose under the ordinance. However, the City will still process any public record request for this information as appropriate under state law and the Kirkland ordinance if it comes from a non-agency source. The resulting effects of the Steering Team's decision are that the overall number of requests is below 2013 projections and that there have been no Category 1 requests submitted to date. Going forward, Category 1 requests will remain a placeholder for public safety issues that require immediate attention in the event that one occurs, but it does not appear that these will interfere with the processing of the remaining categories.

A substantial number of Kirkland's records requests fall into Category 2. The data reflects that the average response time (meaning a complete response to the inquiry and closure) is within five days. Given that a majority of these requests are filled the same day, the median response time is 1 day. A few requests that took longer than 5 days are resulting in an average time much higher than the median. Note that the numbers in this category exclude interagency requests (of similar number) that are not formal public records requests.

More complex requests, such as Category 3, have averaged just under two weeks response time, and for Category 4, just under one month, due to the amount of time required to identify the responsive records, assemble a coordinated response across departments, transport from offsite archives and review by staff for exemptions.

All categories are expected to move toward our targeted range of process times. Within the next few months, process times should continue to shrink as staff increases their familiarity with the program and become more adept at responding to various types of requests under the guidelines and through the system.

Next Steps

The City's Public Records approach continues to be leading edge in the efficient production of public records. The process continues to evolve in an effort to fully assist City staff with management of the high volume demands of Public Records in this age of burgeoning technology and to provide the best service possible for our citizens in a transparent, cost effective fashion.

The addition of a Public Disclosure Analyst in the City Clerk's office has provided a fully utilized resource, providing capacity for the City Clerk's office in support of continued development and implementation of the provisions of the ordinance. Among the initial assignments are assisting with the development of written protocols to help manage the requests for each department in an effort to standardize the City's responses and insulate the City from liability. The protocols will help department staff better understand the range of requests and response requirements. Monthly meetings and ongoing training have been established and utilized to gather feedback on the WebQA software the City has implemented. This position also directly responds to public records requests.

Going forward, the implementation of these practices will help a wider range of affected staff understand how different types of requests, and the various methods the public uses to submit requests to the City (i.e. Web Portal, email, phone, in-person, etc.) should be handled. From both customer service and liability standpoint, that better understanding will reinforce staff and the public's certainty that they are providing, and receiving, complete and accurate records in a reasonable timeframe.

The City Council, as part of the 2015-2016 biennial budget process later this year, will determine and establish the on-going level of effort to be devoted to public records responses and the amount of resources to be allocated. KMC Chapter 3.15.130 (b) specifies that "Starting with the 2015-2016 biennial budget process...the City Council will devote at least a portion of a public work session or Council meeting specifically to public records response resource allocation before adopting the final budget." The Public Records mid-year review in July (in accordance with Ordinance 4414) will provide consistent data for the first six months of 2014 to assist with Council's deliberations.

Attachments:

- (1) Ordinance 4414
- (2) Resolution 4987

ORDINANCE O-4414

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER 3.15 IN THE KIRKLAND MUNICIPAL CODE, ACCESS TO PUBLIC RECORDS.

WHEREAS, open government leads to a better informed electorate, greater public participation, better government, and more effective use of public resources; and

WHEREAS, the Public Records Act expressly provides that, "mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society" (RCW 42.17A.001(11)); and

WHEREAS, under the Public Records Act, agencies are "to provide full access to public records". . ."the fullest assistance to inquirers and the most timely possible action on requests for information"(RCW 42.56.100); and

WHEREAS, it is the policy of the City of Kirkland that all persons are entitled to the greatest possible information regarding the affairs of City government and the official acts of those officers and employees who serve them; and

WHEREAS, providing persons with such information is a core principle of the City and an integral responsibility of every City employee; and

WHEREAS, RCW 42.56.100 obligates the City to prevent public disclosure demands from causing excessive interference with other essential City functions; and

WHEREAS, other essential City functions are determined by state law and by the City Council and include, but are not limited to, providing public safety, financial stability, balanced transportation, dependable infrastructure, environmental protection, housing, human services, neighborhood services, economic development, parks, recreation and open space and the administrative systems necessary to provide effective government services; and

WHEREAS, to prevent excessive interference with the other essential functions of the City, it is necessary to determine a reasonable level of effort to devote to responding to requests for public records commensurate with the available resources and staffing.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Access to Public Records is established as Chapter 3.15 of the Kirkland Municipal Code to read as follows:

3.15.010 Findings.

(a) Responding to public records requests is one of the city's unique and core essential functions and is also the responsibility of every city employee.

(b) Similar to the city's other essential functions, the staffing and resources that the city can devote to responding to public records requests are necessarily limited.

(c) In order to avoid excessive interference with other essential functions of the city, the city needs to establish the appropriate level of effort to be devoted to responding to public records requests and the level of resource to be allocated.

(d) The level of resource allocated to public records requests must be reasonable and needs to be established during the biennial budget process when the city council evaluates the available resources to perform all of the city's essential functions and establishes levels of service.

(e) As part of its audit report, the Washington State Auditor's Office provides a benchmark in terms of the audit cost as a percentage of the jurisdiction's total expenses.

(f) The Washington State Auditor's Office cost analysis for the City's 2011 financial audit determined that the audit cost as a percentage of the City's total expenses was 0.049 percent.

(g) The city's current level of effort in responding to public records requests was adopted as part of the 2013-2014 budget and represents nearly five times the amount spent on audits.

(h) Starting with the 2015-2016 biennial budget process, the city council will establish the level of effort to be devoted to responding to records requests and the amount of resource to be allocated.

(i) Using the audit cost analysis by the Washington State Auditor's Office for the audit of the city and the city's current level of public records response effort as the baseline resource allocation rationale, the city council will determine the future levels of effort to be devoted to responding to public records requests and the level of resources to be allocated during the biennial budget process.

(j) A semi-annual report on public records requests and the status of requests will be made to the city council and the public.

(k) The city clerk has been designated as the Public Records Officer for the entire city, as required by RCW 42.56.580, and is responsible for overseeing the city's compliance with the public records disclosure requirements.

3.15.020 Procedural information.

As required by the Public Records Act, chapter 42.56 RCW, the city has separately established Public Records Act Rules ("Rules") governing the process for requesting public records and responding to requests for public records. These Rules are posted on the city's website at kirklandwa.gov. Consistent with the findings of this chapter, the public disclosure steering team, as established in Section 3.15.030, shall promulgate rules to implement this chapter.

3.15.030 Public Disclosure Steering Team.

(a) There is established a public disclosure steering team composed of the city manager or his or her designee, the director of finance and administration, the city clerk and the city attorney. The

public disclosure steering team shall provide guidance to the public disclosure coordinating team, as needed.

(b) The public disclosure steering team is the body designated by the city to conduct reviews when any person objects in writing (including email) to the initial denial or partial denial of their records request.

(c) The public disclosure steering team may also manage the records request queues if necessary based on criteria set forth in the Rules or extraordinary circumstances.

(d) The public disclosure steering team will review the City Manager's proposed amendments to the Public Record Act Rules.

(e) The public disclosure steering team, in addition to other duties, may recommend changes to this chapter to the city council.

(f) The public disclosure steering team may add members, as needed.

3.15.040 Public Disclosure Coordinating Team.

(a) There is established a public disclosure coordinating team. The city clerk and deputy city clerk are designated as the lead staff for the team.

(b) Each city department shall designate a staff member or members to facilitate the disclosure of public records. The designated staff members will serve on the public disclosure coordinating team and assist the city clerk and deputy city clerk in implementing this chapter.

(c) The public disclosure coordinating team shall be responsible for managing the records request queues based on criteria set forth in the Rules.

3.15.050 Categories of requests.

(a) When a public records request is received, the department receiving the request will categorize the request according to the nature, volume, and availability of the requested records as set forth in the Rules. The categories of public records requests will be established based on criteria such as:

- (1) The immediacy of the required response in the interest of public safety (imminent danger).
- (2) The complexity of the records request in terms of the breadth, ease of identification, and accessibility.
- (3) The amount of coordination required between departments.
- (4) The number of records requested.
- (5) The extent of research required by city staff that is not primarily responsible for public disclosure.
- (6) The need for legal review and/or additional assistance from third-parties in identification and assembly.
- (7) Other criteria the Public Disclosure Steering Team deems appropriate.

(b) The city shall ensure that all categories of records requests receive an allocation of resources for response throughout the year.

3.15.060 Standard time periods for response.

The city must make public records available promptly when requested under the Public Records Act. If records cannot be made available within five business days, the Act requires a written response

to the requestor. The city may acknowledge receipt and provide a reasonable estimate of the time necessary to make the record available. The Rules shall establish goals for standard response periods for all categories of records requests.

3.15.070 Records requests log.

(a) Each department shall maintain an electronic log of all records requests received by that department and shall provide access to the log to the city clerk who shall maintain a citywide records requests log.

(b) In consultation with the public disclosure steering team, the city clerk shall establish policies for what information shall be included in the logs and how the logs shall be made publicly available.

(c) The city recognizes that in limited circumstances, processing a request for records may result in more expense to the city than merely copying and providing the records to the requestor. Each city department may designate, within its own department, certain routine records available to the public for immediate inspection without the requirement of a formal records request. However, each of the records requests must be maintained in an electronic log.

3.15.080 Records requests queues.

(a) Records requests shall be maintained and tracked in records requests queues, as set forth in the Rules. The queues shall identify the status of the records requests as "pending," "active," or "completed."

(b) Records requests will initially be entered in the respective queues in the chronological order in which they are received by the city. Responding to a records request is not always a sequential process. The clerk will manage the active queues by moving between requests in accordance with the Rules.

(c) Records requests will be subsequently managed in the queue based on the criteria set forth in the Rules.

3.15.090 Communications with requestors.

(a) The city will use its best efforts to provide requestors with accurate and reasonable estimates of how long it will take to provide records responsive to a request.

(b) If the city learns additional time is needed to respond to the records request, the city will promptly communicate the need for additional time to the requestor, inform the requestor of the reason additional time is required and provide an estimated new timeframe for records delivery.

3.15.100 City website.

(a) The city posts commonly requested records on its website.

(b) The city's response to a records request may be to provide the requestor a link to records posted on its website, unless the requestor notifies the city that he or she cannot access the records through the internet.

(c) By November 2013, the city will maintain a separate page on its website that shall include the queues and records requests logs. The city clerk shall ensure that the website is updated to provide current information, including the date the records request was made,

its order in the queue, and the estimated time of responding to the request.

(d) The city website will also provide guidance and information to the public for making records requests on its website.

(e) The city website will allow requestors the option of using on-line request forms for requesting records and submitting those requests electronically.

3.15.110 City employee responsibilities.

(a) All city employees are responsible for assisting in identifying responsive records and facilitating thorough collection of records.

(b) The city will provide training to city employees on their obligations under the Public Records Act, including the responsibility of all employees to retain records according to the relevant retention schedule.

(c) For most city employees, producing records in response to records requests is a responsibility assigned in addition to their primary assigned duties and functions.

(d) For those city employees for whom responding to records requests is not among their primary assigned duties, the need to devote more than ten hours in a month to records production may result in delay of the response to a records request.

3.15.120 Public records performance report.

No later than July 31 and January 31 of each year, the city clerk will submit to the city council a report on the city's performance in responding to public records requests during the preceding six months. The report shall include, at a minimum:

- (1) open records requests (queue) at beginning of period;
 - (2) number of records requests received in the period by category;
 - (3) number of records requests closed in the period by category;
- and
- (4) open records requests (queue) at end of period.

3.15.130 Resources devoted to public records disclosure.

(a) The resources currently allocated to public disclosure response in the 2013-2014 budget are established as the initial level of effort necessary to ensure that public disclosure response is not creating excessive interference with essential city government functions.

(b) Starting with the 2015-2016 biennial budget process, the city council shall biennially determine and establish the level of effort to be devoted to public records disclosure and the amount of resources to be allocated. During the budget process, the city council will devote at least a portion of a public work session or council meeting specifically to public records response resource allocation before adopting the final budget.

(c) The city council may reevaluate its determination as part of the mid-year budget adjustment and modify the resource allocation.

(d) The city does not intend every employee to expend ten hours per month responding to records requests. The limitation in Section 3.15.110(d) of up to ten hours per month for those city employees for whom responding to records requests is not among their primary assigned duties is not an allocation of resources available for other public records responses.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 16th day of July, 2013.

Signed in authentication thereof this 16th day of July, 2013.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4414

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER 3.15 IN THE KIRKLAND MUNICIPAL CODE, ACCESS TO PUBLIC RECORDS.

SECTION 1. Establishes a new Kirkland Municipal Code Chapter 3.15 relating to access to public records.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 16th day of July, 2013.

I certify that the foregoing is a summary of Ordinance O-4414 approved by the Kirkland City Council for summary publication.



City Clerk

RESOLUTION R-4987

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELATING TO COMPLIANCE WITH THE PUBLIC RECORDS ACT, SPECIFICALLY, ADOPTING PUBLIC RECORDS ACT RULES, ISSUING A FORMAL ORDER THAT MAINTAINING AN INDEX WOULD BE UNDULY BURDENSOME, ORDERING PUBLICATION OF THIS RESOLUTION AND THE PUBLIC RECORDS ACT RULES AND APPOINTING THE CITY CLERK AS THE PUBLIC RECORDS OFFICER

WHEREAS, RCW Sections 42.56.040, 42.56.070 and 42.56.100 of the Public Records Act ("the Act") collectively require that state and local agencies provide, publish and prominently display certain information, exemptions and rules governing disclosure of public records; and

WHEREAS, the City of Kirkland ("the City") is a local agency as defined in the Act and must therefore comply with its provisions; and

WHEREAS, the attached Public Records Act Rules ("the Rules") fulfill one of these requirements and were developed using the Attorney General's Office advisory Model Rules for disclosure of public records; and

WHEREAS, RCW 42.56.070(3) requires an agency to maintain an index of records therein described unless the local agency determines that it would be unduly burdensome to do so and in that event it must issue and publish a formal order specifying why it would be unduly burdensome; and

WHEREAS, RCW 42.56.580 requires that each agency appoint and publicly identify a Public Records Officer and provide contact information for that Officer,

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The attached Rules are adopted as the rules the City will follow in handling public records requests and the City Manager, in consultation with the Public Disclosure Steering Team, is hereby authorized to amend the Rules as necessary to remain in compliance with evolving law governing the handling of public records requests and to update the Rules as facts may require. All amendments to the Rules shall be reported to the City Council.

Section 2. The City is comprised of ten departments, with divisions and subdivisions serving over 80,000 citizens. The different departments maintain separate databases and/or record keeping systems for the indexing of records and information. Because these records are diverse, complex and stored in multiple locations and in multiple computer systems and databases, it is unduly burdensome to maintain a central index of these records. Therefore, the Council finds that maintaining the index required by RCW 42.56.070(3) would be unduly burdensome and formally orders that such an index does not have to be maintained as allowed under RCW 42.56.070(4) so long as all other City indexes are available for public inspection and copying in conformity with applicable law.

Section 3. The City Clerk is appointed as the City's Public Records Officer and City Clerk's contact information is provided in the attached Rules.

Section 4. The Clerk is directed to publish this Resolution and the availability of the Rules in the Kirkland Reporter, post and maintain the Rules on the City's website and make the Rules available for inspection and copying at City Hall.

Passed by majority vote of the Kirkland City Council in open meeting this 16th day of July, 2013.

Signed in authentication thereof this 16th day of July, 2013.


MAYOR

Attest:


City Clerk

PUBLIC RECORDS ACT RULES

PRA Rule 010. Authority and purpose.

(1) **Authority.** RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt public records in accordance with published rules. The Public Records Act ("the Act") defines "public record" 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 the agency. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Act, that exempts or prohibits the production of public records held by that agency.

(2) **Purpose of Rules.** The purpose of these Rules is to establish the procedures the City of Kirkland ("the City") will follow in order to provide full access to public records, fullest assistance to inquirers and the most timely possible action as required by RCW 42.56.100, mindful of the further requirement that the Rules must also protect the records from damage or disorganization and prevent excessive interference with other essential functions of the City. These Rules provide information to persons wishing to request access to public records of the City and establish processes for both requestors and City staff that are designed to best assist members of the public in obtaining such access.

(3) **Purpose of Act.** 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 these Rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the City will be guided by the provisions of the Act describing its purposes and interpretation.

(4) **Act not applicable.** Court files and judges' files are not subject to the Act. Access to these records is governed by court rules and the common law.

(5) **Amendment of the Rules.** By authorization of the City Council in the Resolution approving these Rules, the City Manager is authorized to amend the Rules as necessary to remain in compliance with evolving law governing the handling of public records requests and to update the Rules as facts may require. Amendments to the Rules must be reviewed by the Public Disclosure Steering Team prior to City Manager action. All amendments to the Rules will be reported to the City Council.

PRA Rule 020. Agency description--Contact information--Public records officer.

(1) Agency description. The City provides the services of a non-charter code city, including but not limited to, building and plans inspection, court, parks and recreation, planning and community development, public safety and public works services, which are supported and

supplemented by financial, administrative and legal services. The City's central office is located at 123 Fifth Avenue, Kirkland, WA 98033.

The general course and method by which the City's operations are channeled and determined is through laws adopted and direction given by the City Council and other competent authority in conformity with all applicable city, state and federal law, which are implemented by the City Manager, Department Directors and their designees in conformity with the requirements of those same laws. The City's rules of procedure are set forth in those same laws or in rules adopted pursuant to authority granted to others as provided in those laws. The City's substantive rules of general applicability that were adopted as authorized by law, as well as the statements of general policy or interpretations of general applicability formulated and adopted by the City are contained in the Kirkland Municipal Code, or in rules, regulations and interpretations authorized to be adopted or issued in those laws or under federal or state law.

The City has field offices at the following addresses:

Municipal Court	11515 NE 118th Street, Kirkland, WA 98034
Fire Stations	
Station 21	9816 Forbes Creek Drive, Kirkland, WA 98033
Station 22	6602 108th Avenue NE, Kirkland WA 98033
Station 24	8411 NE 141st Street, Kirkland 98034
Station 25	12033 76th Place NE, Kirkland, WA 98034
Station 26	9930 124th Avenue NE, Kirkland, WA 98033
Station 27	11210 NE 132nd Street, Kirkland, WA 98034
HR and Parks & Comm. Svcs.	505 Market Street, Kirkland, WA 98033
North Kirkland Comm. Ctr.	12421 103rd Avenue NE, Kirkland, WA 98034
Peter Kirk Community Center	352 Kirkland Avenue, Kirkland, WA 98033
Peter Kirk Pool	340 Kirkland Avenue, Kirkland, WA 98033
Public Works CIP Annex	310 1st Street, Kirkland, WA 98033
Prosecuting Attorney	12040 98th Avenue NE, Suite 101, Kirkland, WA 98034
Public Defender	9757 NE Juanita Drive, Suite 120, Kirkland, WA 98034
Fleet Management	904 8th Street, Kirkland, WA 98033
Maintenance Center	915 8th Street, Kirkland, WA 98033
Parks Maintenance Center	1129 8th Street, Kirkland, WA 98033

(2) **Contact Information-Public Records Officer.** Any person wishing to request access to public records of the City, or seeking assistance in making such a request, should follow the procedures set forth in these Rules and contact the following Public Records Officer (the "PRO") of the City to submit such a request or to obtain assistance in making such a request:

Kathi Anderson, City Clerk
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033
Phone (425) 587-3190 Fax (425) 587-3198
PublicRecords@kirklandwa.gov

Information is also available at the City's web site at www.kirklandwa.gov.

PRA Rule 030. Availability of public records.

(1) **Availability.** Public records are available for inspection and copying during normal business hours of the City, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Inspection of records shall occur at the central offices of the City unless another location is approved by the PRO or designee.

(2) **Records index.** By the Resolution approving these Rules, the Kirkland City Council issued a formal order finding that the maintenance of an index was unduly burdensome. This finding was based on the fact that the City is comprised of ten departments, with divisions and subdivisions, serving over 80,000 citizens. The different departments maintain separate databases and/or record keeping systems for the indexing of records and information. Because these records are diverse, complex and stored in multiple locations and in multiple computer systems and databases, it is unduly burdensome to maintain a central index of records.

(3) **Organization of records.** The City will maintain its records in a reasonably organized manner. While committed to fully comply with the Act and these Rules, the City must also take reasonable actions to protect records from damage and disorganization and prevent excessive interference with other essential functions of the City. A requestor shall not take City records from City offices. A variety of records are available on the City's web site at www.kirklandwa.gov. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or copy public records of the City should make the request in writing on the City's request form, or by letter, fax, or email addressed to the PRO and including the following information:

Name of requestor; address of requestor;
other contact information, including telephone number and any e-mail address;
identification of the public records adequate for the PRO to locate the records; and the date and time of day of the request.

(b) If the requestor wishes to have copies or scans of the records made instead of simply inspecting them, he or she should so indicate and make arrangements with the PRO to pay for copies or scans of the records as provided in PRA Rule 150 below.

(c) A form is available for use by requestors at the office of the PRO and on-line at www.kirklandwa.gov.

(d) Public records requests are public records and subject to inspection or copying.

(e) The PRO may accept requests for public records that contain the above information by telephone or in person. If the PRO accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.

(f) Records requests may only encompass existing records. They cannot be used to obtain copies of records not yet in existence.

PRA Rule 040. Definitions.

(1) "**Public Disclosure Steering Team**" means a team composed of the City Manager or his or her designee, the Director of Finance and Administration, the City Clerk and the City Attorney as established in Kirkland Municipal Code 3.15.030.

(2) "**Public Disclosure Coordinating Team**" means a team composed of the City Clerk, Deputy City Clerk and staff members designated by each City department as established in Kirkland Municipal Code 3.15.040.

(3) "**Records request queue**" means a list of all the pending and active Category 3, 4 and 5 public records requests.

(4) "**Standard time period**" means the estimated time, established as goals, to make requested public records available by category of records request.

PRA Rule 050. Processing of public records requests.

(1) **Providing "fullest assistance."** Mindful of the requirements of RCW 42.56.100, to the extent reasonably possible, the PRO will process requests in the order allowing the most requests to be processed in the most efficient manner. In an effort to better understand the request and provide all responsive records, the PRO can inquire about the purpose for the request but the requestor is not required to answer except to establish whether inspection and copying would violate RCW 42.56.070(9) (see PRA Rule 100 below) or other statute which exempts or prohibits production of specific information or records to certain persons.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, not including the day the request was received as provided by RCW 1.12.040, the PRO will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) If copies are requested and payment or payment of a deposit is made as provided in PRA Rule 150 below, or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of any additional time needed to respond to the request and a date by which the records will be produced in whole or in part depending on whether the records are being provided in installments. The factors used to estimate the additional time needed must be based upon criteria that can be articulated and may be presented in the response estimating the additional time needed. However, additional time is only allowed under the following circumstances:

(i) to request clarification from the requestor if the request is unclear or does not sufficiently identify the requested records. Such clarification may be requested and provided by telephone. If the clarification is made by telephone, the PRO will confirm the scope of the clarification in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope;

(ii) to locate and assemble the information requested;

(iii) to notify third persons or agencies in the event the requested records contain information that may affect rights of others and may be exempt from production. 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 or a statement of the request if no written request was received; or

(iv) to determine whether any of the information requested is exempt from production and that a denial should be made as to all or part of the request; or

(d) deny the request, specifying the reasons for denial.

(3) **Consequences of failure to respond.** If the PRO does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the PRO to determine the reason for the failure to respond.

(4) **Injunction.** Pursuant to RCW 42.56.565, the City may seek to enjoin the inspection or copying of any nonexempt public record by persons serving criminal sentences in state, local, or privately operated correctional facilities.

PRA Rule 060. Managing the queues.

The Public Disclosure Coordinating Team is primarily responsible for managing the records requests queues based on the following criteria:

- (1) the number of records responsive to a given request;
- (2) the number and size of other records requests in the queue;
- (3) the amount of processing required for the subject request or requests and other requests in the queue;
- (4) the status of a particular request that is waiting for third party review or requestor action; and
- (5) the current volume of other City work, as it affects the amount of staff time that can be devoted to the subject request or requests.

PRA Rule 070. Categories of requests.

(1) When a public records request is received, the PRO and/or the designated department representative receiving the records request will categorize the request according to the nature, volume, and availability of the requested records as follows:

(a) **Category 1** records requests are requests requiring immediate response in the interest of public safety (imminent danger). These requests shall take priority over all other requests.

(b) **Category 2** records requests are routine or readily filled requests for easily identified and immediately accessible records requiring little or no coordination between departments.

(c) **Category 3** records requests are routine requests that involve:

- (i) a large number of records, and/or
- (ii) records not easily identified, located and accessible, and
- (iii) records that require some coordination between departments.

(d) **Category 4** records requests are complex requests which may be especially broad or vague which involve:

- (i) a large number of records that are not easily identified, located or accessible, requiring significant coordination between multiple departments, and
- (ii) research by City staff who are not primarily responsible for public disclosure and/or

(iii) review by public disclosure staff to determine whether any of the records are exempt from production.

(e) **Category 5** records requests are complex requests that may be especially broad or vague which involve:

(i) a large number of records that are not easily identified, located or accessible, requiring coordination between multiple departments, and

(ii) research by City staff who are not primarily responsible for public disclosure and/or

(iii) legal review and creation of an exemption log. These requests may require additional assistance from third-parties in identification and assembly.

(2) After initial categorization, records requests may be re-categorized in response to unanticipated circumstances or additional information.

PRA Rule 080. Standard time periods for response.

(1) The following time standard periods for response to all categories of records requests are established as goals. The City may not be able to comply with the goals, but will notify the requestor if the goal will not be met.

(a) **Category 1 records requests.** Generally, the City will respond to Category 1 records requests immediately or the next business day after the request is received.

(b) **Category 2 records requests.** Generally, the City will respond to Category 2 records requests within five business days. If records cannot be made available within five business days, the City may extend the time to respond as described above.

(c) **Category 3 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 3 records requests usually require between 5 and 30 business days.

(d) **Category 4 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 4 records requests may require several weeks to several months.

(e) **Category 5 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to

make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 5 records requests may require several weeks to several months.

PRA Rule 090. Records requests queues.

(1) All Category 3, 4, and 5 records requests shall be maintained and tracked in records requests queues with a separate queue for each category. The queues shall identify the status of the records as "pending," "active," or "completed."

(2) Records requests will initially be entered in the respective queues in the chronological order in which they are received by the City. Responding to a records request is not always a sequential process. The PRO will manage the active queues by moving between requests based on circumstances that may include, but are not limited to the following:

- (a) a request is waiting for records to be retrieved from storage;
- (b) a request is waiting for records to be retrieved from persons or entities that hold them on behalf of the City (e.g. employees, consultants);
- (c) a request is waiting for the requestor to respond to a request for clarification;
- (d) a request is waiting for a response after notifying a third party named in a record;
- (e) a request is waiting for the expiration of the time allowed a third party to obtain an order from a court enjoining release of records;
- (f) a request is waiting for resolution of a legal action filed by a third party to enjoin release of records;
- (g) a request is waiting for legal review of records to determine if they meet the definition of a public record or the applicability of exemptions and production of an exemption log;
- (h) a request is waiting for consideration of a petition to review denial of access;
- (i) a request is waiting for the requestor to pay for copies of the records or pay a deposit for copies;
- (j) a request is waiting for external vendor reproduction of records; or
- (k) a request is waiting for the requestor to claim an installment or physically inspect records.

PRA Rule 100. Redactions and exemptions.

(1) **Records exempt from production.** Some records are exempt from production, in whole or in part. If a record is exempt from production and should be withheld, the PRO will state the

specific exemption and provide a brief explanation of how the exemption applies to the record being withheld. This explanation should be sufficient to enable the requestor to make a threshold determination of whether the claimed exemption is proper. If only a portion of a record is exempt from production, but the remainder is not exempt, the PRO will redact the exempt portions, produce the nonexempt portions, and indicate to the requestor why portions of the record are being redacted. (For the purposes of these Rules, redact means the exempt information will be covered in some manner and then the record will be photocopied and the photocopy then disclosed.)

The City is also prohibited by statute from producing lists of individuals for commercial purposes. Therefore, if a request is received for any type of list of individuals, an inquiry as to whether the requestor intends to use the list for commercial purposes must be answered before the list can be provided. If the answer is that it will be used for such purposes, the list cannot be produced.

PRA Rule 110. Inspection of records.

(1) Inspection of records.

(a) Consistent with other demands, the City 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 City to copy or scan, if any, and provide payment for those copies or scans.

(b) The requestor must claim or review the assembled records within 30 days of the PRO'S notification to him or her that the records are available for inspection or copying/scanning. The PRO will notify the requestor, in writing, of this requirement and inform the requestor that he or she should contact the PRO 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 30-day period or make other arrangements, the PRO may close the request and re-file 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.

PRA Rule 120. Providing records.

(1) **Providing records in installments.** When the request is for a large number of records, the PRO may 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 manner. If, within 30 days, the requestor fails to inspect the entire set of records or one or more of the installments, the PRO may stop searching for the remaining records and close the request.

(2) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the PRO will close the request and so inform the requestor.

(3) **Later discovered documents.** If, after the PRO has informed the requestor that he or she has provided all available records, the PRO becomes aware of additional responsive documents existing at the time of the request that had not been provided previously, he or she will promptly inform the requestor of the additional documents and provide them on an expedited basis.

(4) **Identifiable record.** A requestor must request an "identifiable record" or "class of records" before an agency must respond. An identifiable record is one that agency staff can reasonably locate. The Act does not allow a requestor to search through agency files for records which cannot be reasonably identified or described to the agency.

(5) **Requests for information or nonexistent records.** Requests for information are not public records requests. An agency is not required to conduct legal research for a requestor. An agency is not required to create records to respond to a request.

PRA Rule 130. Processing of public records requests-electronic records.

(1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** If public records are requested in an electronic format, the PRO will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by PRA Rule 150 below.

(3) **Customized access to databases.** With the consent of the requestor, the City may provide customized access under RCW 43.41A.130 if the record is not reasonably locatable or not reasonably translatable into the format requested. The City may charge a fee consistent with RCW 43.41A.130 for such customized access.

(4) **Retaining electronic copies.** Because an electronic record is usually more susceptible to manipulation and alteration than a paper record, the City will keep, when feasible, an electronic copy of the electronic records it provides to a requestor to be able to show the exact records it provided if necessary.

PRA Rule 140. Exemptions provided by other statutes.

(1) **Exemptions.** The Act provides that a number of records are exempt from public inspection and copying. In addition, documents are exempt from production if any "other statute" exempts or prohibits production. Requestors should be aware of the following exemptions, outside the Act, that may restrict the availability of some records held by the City for inspection and copying/scanning:

- RCW 2.64.111 Documents regarding discipline/retirement of judges
- RCW 2.64.113 Confidentiality - violations
- RCW 4.24.550 Information on sex offenders to public
- RCW 5.60.060 Privileged communications
- RCW 5.60.070 Court-ordered mediation records
- RCW 7.68.140 Victims' compensation claims
- RCW 7.69A.030(4) Child victims and witnesses - protection of identity
- RCW 7.69A.050 Rights of child victims and witnesses - addresses
- RCW 7.75.050 Records of Dispute Resolution Centers
- RCW 9.02.100 Reproductive privacy
- RCW 9.51.050 Disclosing transaction of grand jury
- RCW 9.51.060 Disclosure of grand jury deposition
- RCW 9.73.090(1)(c) Prohibition regarding specified emergency response personnel recordings
- RCW 10.27.090 Grand jury testimony/evidence
- RCW 10.27.160 Grand jury reports - release to public only by judicial order
- RCW 10.29.030 Organized crime special inquiry judge
- RCW 10.29.090 Records of special inquiry judge proceedings
- RCW 10.52.100 Records identifying child victim of sexual assault
- RCW 10.77.210 Records of persons committed for criminal insanity
- RCW 10.97.040 Criminal history information released must include disposition
- RCW 10.97.050 Conviction and criminal history information
- RCW 10.97.060 Deletion of certain criminal history record information, conditions
- RCW 10.97.070 Disclosure of identity of suspect to victim
- RCW 10.97.080 Inspection of criminal record by subject
- RCW 13.32A.090 Crisis residential centers notice to parent about child
- RCW 13.34.115 Court dependency proceedings
- RCW 13.40.217 Juveniles adjudicated of sex offenses - release of information
- RCW 13.50.010 Maintenance of and access to juvenile records
- RCW 13.50.050 Juvenile offenders
- RCW 13.50.100 Juvenile/children records not relating to offenses
- RCW 13.60.020 Missing children information
- RCW 13.70.090 Citizen juvenile review board - confidentiality
- RCW 18.04.405 Confidentiality of information gained by CPA
- RCW 18.19.060 Notification to clients by counselors
- RCW 18.19.180 Confidential communications with counselors
- RCW 19.215.020 Destruction of personal health and financial information
- RCW 19.34.240(3) Private digital signature keys
- RCW 19.215.030 Compliance with federal rules
- RCW 26.04.175 Name and address of domestic violence victim in marriage records
- RCW 26.12.170 Reports of child abuse/neglect with courts

RCW 26.23.050 Child support orders
RCW 26.23.120 Child support records
RCW 26.26.041 Uniform Parentage Act - protection of participants
RCW 26.26.450 Confidentiality of genetic testing
RCW 26.33.330 Sealed court adoption records
RCW 26.33.340 Agency adoption records
RCW 26.33.343 Access to adoption records by confidential intermediary
RCW 26.33.345 Release of name of court for adoption or relinquishment
RCW 26.33.380 Adoption - identity of birth parents confidential
RCW 26.44.010 Privacy of reports on child abuse and neglect
RCW 26.44.020(19) Unfounded allegations of child abuse or neglect
RCW 26.44.030 Reports of child abuse/neglect
RCW 26.44.125 Right to review and amend abuse finding - confidentiality
RCW 27.53.070 Records identifying the location of archaeological sites
RCW 29A.08.720 Voter registration records - place of registration confidential
RCW 29A.08.710 Voter registration records - certain information exempt
Chapter 40.14 RCW Preservation and destruction of public records
RCW 42.23.070(4) Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7) Identity of local government whistleblower
RCW 42.41.045 Nondisclosure of protected information (whistleblower)
RCW 46.52.080 Traffic accident reports - confidentiality
RCW 46.52.083 Traffic accident reports - available to interested parties
RCW 46.52.120 Traffic crimes and infractions - confidential use by police and courts
RCW 46.52.130(2) Abstract of driving record
RCW 48.62.101 Local government insurance transactions - access to information
RCW 50.13.060 Access to employment security records by local government agencies
RCW 50.13.100 Disclosure of non-identifiable information or with consent
RCW 51.28.070 Worker's compensation records
RCW 51.36.060 Physician information on injured workers
RCW 60.70.040 No duty to disclose record of common law lien
RCW 68.50.105 Autopsy reports
RCW 68.50.320 Dental identification records - available to law enforcement agencies
Chapter 70.02 RCW Medical records - access and disclosure - entire chapter
RCW 70.05.170 Child mortality reviews by local health departments
RCW 70.24.022 Public health agency info. regarding sexually transmitted disease investigations
- confidential
RCW 70.24.024 Transcripts and records of hearings regarding sexually transmitted diseases
RCW 70.24.105 HIV/STD records
RCW 70.28.020 Local health department TB records - confidential
RCW 70.48.100 Jail records and booking photos
RCW 70.58.055 Birth certificates - certain information confidential
RCW 70.58.104 Vital records, research confidentiality safeguards
RCW 70.94.205 Washington Clean Air Act – confidentiality of data
RCW 70.96A.150 Alcohol and drug abuse treatment programs
RCW 70.123.075 Client records of domestic violence programs
RCW 70.125.065 Records of rape crisis centers in discovery
RCW 71.05.390 Information about mental health consumers
RCW 71.05.395 Ch. 70.02 RCW applies to mental health records

RCW 71.05.400 Information to next of kin or representative
RCW 71.05.425 Notice of release or transfer of committed person after offense dismissal
RCW 71.05.427 Information that can be released
RCW 71.05.430 Statistical data
RCW 71.05.440 Penalties for unauthorized release of information
RCW 71.05.445 Release of mental health information to Dept. of Corrections
RCW 71.05.620 Authorization requirements and access to court records
RCW 71.05.630 Release of mental health treatment records
RCW 71.05.640 Access to treatment records
RCW 71.05.650 Accounting of disclosures
RCW 71.24.035(5)(g) Mental health information system
RCW 71.34.200 Mental health treatment of minors
RCW 71.34.210 Court records for minors related to mental health treatment
RCW 71.34.225 Release of mental health services information
RCW 71A.14.070 Records regarding developmental disability
RCW 72.09.345 Notice to public about sex offenders
RCW 72.09.585(3) Disclosure of inmate records to local agencies
RCW 73.04.030 Veterans discharge papers exemption (see related RCW 42.56.440)
RCW 74.04.060 Applicants and recipients of public assistance
RCW 74.04.520 Food stamp program confidentiality
RCW 74.09.900 Medical assistance
RCW 74.13.121 Financial information of adoptive parents
RCW 74.13.280 Children in out-of-home placements
RCW 74.20.280 Child support enforcement - local agency cooperation, information
RCW 74.34.095 Abuse of vulnerable adults - confidentiality of investigations and reports
RCW 82.32.330 Disclosure of tax information
RCW 84.36.389 Confidential income data in property tax records held by assessor
RCW 84.40.020 Confidential income data supplied to assessor regarding real property
20 USC § 1232g Family Education Rights and Privacy Act
42 USC 290dd-2 Confidentiality of Substance Abuse Records
42 USC 405(c)(2)(vii)(I) Limits on Use and Disclosure of Social Security Numbers
42 USC 654(26) State Plans for Child Support
42 USC 671(a)(8) State Plans for Foster Care and Adoption Assistance
42 USC 1396a(7) State Plans for Medical Assistance
7 CFR 272.1(c) Food Stamp Applicants and Recipients
34 CFR 361.38 State Vocational Rehabilitation Services Programs
42 CFR Part 2 (2.1- 2.67) Confidentiality of Alcohol and Drug Abuse Patient Records
42 CFR 431.300- 307 Safeguarding Information on Applicants and Recipients of Medical Assistance
42 CFR 483.420 Client Protections for Intermediate Care Facilities for the Mentally Retarded
42 CFR 5106a(b)(2)(A) Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
45 CFR 160-164 HIPAA Privacy Rule

PRA Rule 150. Costs of providing copies of public records.

(1) **Costs for copies.** A requestor may obtain copies or scans as provided under RCW 42.56.070(8), 42.56.120 and WAC 44-14-07003; the City will charge for those copies or scans according to the fee schedule below. For records in other forms, the City will charge the actual cost it pays for the medium used to record the record or records provided. Those mediums include, but are not limited to, tapes, floppy disks, CDs, DVDs and paper that costs more than \$.15 per page. The statements providing those costs are the invoices paid to obtain them and are available for public inspection and copying.

Document Type/Size	Per Scan Charge	Per Copy Charge
Standard black and white (8.5" x 11")	.16	.17
Standard color (8.5" x 11")	.19	.21
Black and white (8.5" x 14")	.16	.17
Color (8.5" x 14")	.19	.22
Black and white (11" x 17")	.24	.49
Black and white (17" x 22")	.38	.77
Black and white (22" x 34")	.49	.99

Before beginning to make copies, the PRO may require a deposit of up to ten percent of the estimated costs of copying or scanning all the records selected by the requestor. The PRO may also require the payment of the remainder of the copying/scanning costs before providing all the records, or the payment of the costs of copying/scanning an installment before providing that installment. The PRO will not charge sales tax when it makes copies or scans of public records but if the records are sent to a third party for copying/scanning, that third party may charge sales tax and the requestor will be responsible for payment of that tax as well as the third party's actual charges for copies or scans.

(2) **Costs of mailing.** The City may also charge actual costs of mailing, including the cost of the shipping container.

(3) **Payment.** Payment may be made by cash, check, debit card, credit card, or money order made payable to the City.

(4) **Other copying charges.** The Act generally governs copying charges for public records, but several specific statutes govern charges for particular kinds of records. The following non-exhaustive list provides some examples: RCW 46.52.085 (charges for traffic accident reports); RCW 10.97.100 (copies of criminal histories) and RCW 70.58.107 (charges for birth certificates). The City will charge the amount authorized pursuant to these other statutes rather than as provided under the Act.

(5) **Use of outside vendor.** An agency is not required to copy/scan records at its own facilities. An agency can send the project to a commercial copying/scanning center and bill the requestor for the amount charged by the vendor. An agency can arrange with the requestor to

pay the vendor directly. An agency cannot charge the default per page copying/scanning charge when its cost at a vendor is less.

PRA Rule 160. Review of denials of public records requests.

(1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the PRO for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the PRO denying the request.

(2) **Consideration of petition for review.** The PRO shall promptly provide the petition and any other relevant information to the Public Disclosure Steering Team to conduct the review. The Public Disclosure Steering Team will immediately consider the petition and either affirm or reverse the denial within two business days following the City's receipt of the petition, or within such other time as the City and the requestor mutually agree.

(3) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.