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 disclosure 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 requirements therein stated 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.

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 is thereafter 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 the following field offices at the following addresses:

Kirkland Municipal Court	11740 NE 118th Street, Kirkland, WA 98034
Kirkland Police Department	11750 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, WA 98011
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 98033
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	121 Third Avenue, Kirkland, WA 98033
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 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 (425) 587-3190
(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 Public Records Officer or designee ("the PRO").

(2) **Records index.** By the resolution approving these rules, the Kirkland City Council issued a formal order which found that maintaining an index was unduly burdensome. This finding was based on the fact that the City is comprised of ten departments, their divisions and subdivisions, serving over 80,000 citizens, which 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 without the permission of the PRO. A variety of records are available on the City's web site atwww.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 Public Records Officer 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 070 below.

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

(d) 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.

(e) Records requests may only encompass existing records. They cannot be used to obtain copies of records not yet in existence or in the possession of the City.

PRA Rule 040. 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 .040(5) below) or other statute which exempts or prohibits disclosure 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 070 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 disclosed 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 I 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 disclosure. 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 and that a denial should be made as to all or part of the request; or

(d) deny the request in conformity with subsection (5) below.

(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 Public Records Officer to determine the reason for the failure to respond.

(4) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If a record is exempt from disclosure 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 disclosure, but the remainder is not exempt, the PRO will redact the exempt portions, provide 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 disclosing 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 disclosed.

(5) **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 thirty 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 thirty-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.

(6) **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 way. If, within thirty 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.

(7) **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.

(8) **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.

(9) **Identifiable record.** A requestor must request an "identifiable record" or "class of records" before an agency must respond to it. 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.

(10) **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 050. 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 public records officer 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 070 below.

(3) **Customized access to databases.** With the consent of the requestor, the City may provide customized access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. The City may charge a fee consistent with RCW 43.105.280 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 060. 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 disclosure if any "other statute" exempts or prohibits disclosure. 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 9.51.050	Disclosing transaction of grand jury
RCW 9.51.060	Disclosure of grand jury deposition
RCW 9.02.100	Reproductive privacy
RCW 9A.82.170	Financial institution records- wrongful disclosure
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 19.215.030	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
RCW Chapter 40.14	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
RCW Chapter 70.02	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 information 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 70.96A.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 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)(l) 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 070. Costs of providing copies of public records.

(1) **Costs for copies.** A requestor may obtain copies or scans as provided under RCW 42.596.070(8) and 42.56.120; 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 fifteen cents 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 nonexhaustive 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.

(6) **Waiver of Costs.** The City is authorized to waive costs under $5.00 as diminimus, as determined by the Public Records officer.

PRA Rule 080. 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 Public Records Officer 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 or any other relevant information to the city official designated by the City to conduct the review. That person 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.

This document revised and approved on July 14, 2014.

Kurt Triplett, City Manager