



CITY OF KIRKLAND
Department of Finance & Administration
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration
Kathi Anderson, City Clerk/Public Records Officer
JamieLynn Estell, Deputy City Clerk

Date: August 4, 2020

Subject: PUBLIC DISCLOSURE SEMI-ANNUAL PERFORMANCE REPORT

RECOMMENDATION

City Council receives the semi-annual status report on the City's public records disclosure program pursuant to [KMC 3.15.120](#).

BACKGROUND

In accordance with [KMC 3.15.120](#), this report presents the performance of the City's Public Disclosure Program during the first half of 2020. [KMC 3.15.120](#) states that the semi-annual public records disclosure report shall include: (1) the number of open records requests at the beginning of reporting period; (2) the number of records requests received during the reporting period; (3) the number of records requests closed in the period; and (4) the number of open requests at the end of the reporting period. This information is represented in Figure A.

Figure A

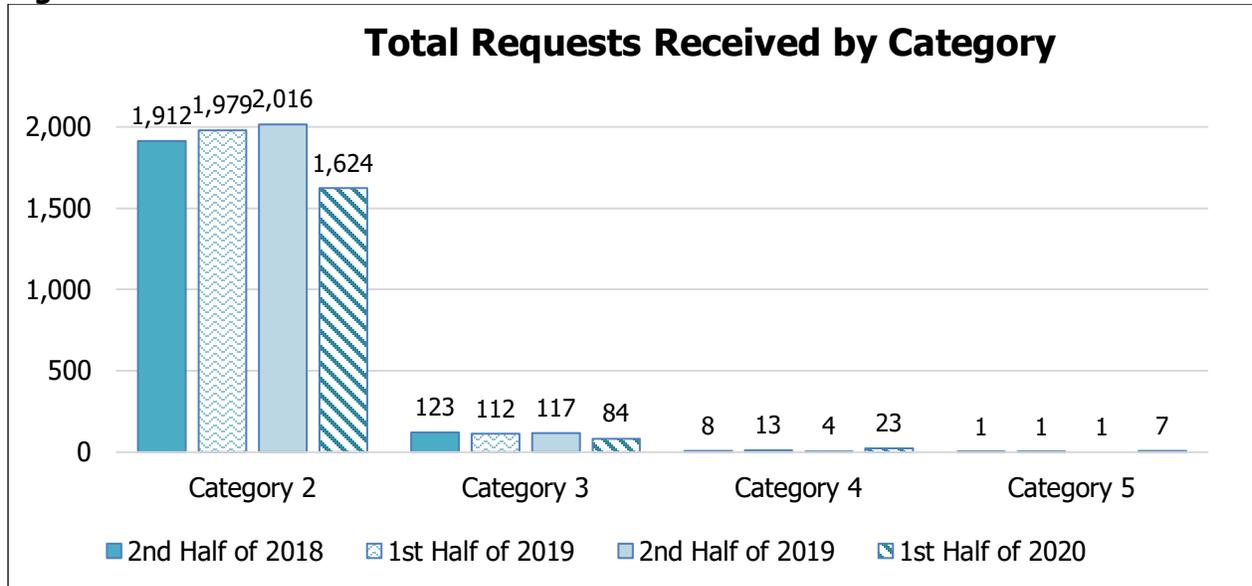
Mandatory Reporting Information	
Requests Open on January 1, 2020	93
Requests Received January 1 – June 30, 2020	1,773
Requests Closed January 1 – June 30, 2020	1,788
Requests Open on June 30, 2020	78

DATA-BASED ANALYSIS OF PERFORMANCE

This report presents information on the City's performance by comparing the total requests received and the average time it took to process them. Performance is presented as a comparison between four reporting periods: the second half of 2018, the first and second halves of 2019, and the first half of 2020.

The City experienced a 18.7% decrease in the total number of requests from the second half of 2019 compared to the first half of 2020; 2,138 to 1,738. The comparison of requests by category between the four reporting periods is presented in Figure B.

Figure B¹



Pursuant to the City's PRA Rule 080, the following goals for standard response time periods are established as follows:²

- a) Category 1 records requests are defined as needing immediate response in the interest of public safety (imminent danger). These requests shall take priority over all other requests. *Public Records has never received any requests that fit within this designation.*
- b) Category 2 records requests are defined as 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 defined as routine requests that involve:
 - i. A large number of records, and/or
 - ii. Records that are not easily identified, located and accessible, and
 - iii. Records that require some coordination between departments.
- d) Category 4 records requests are defined as 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:

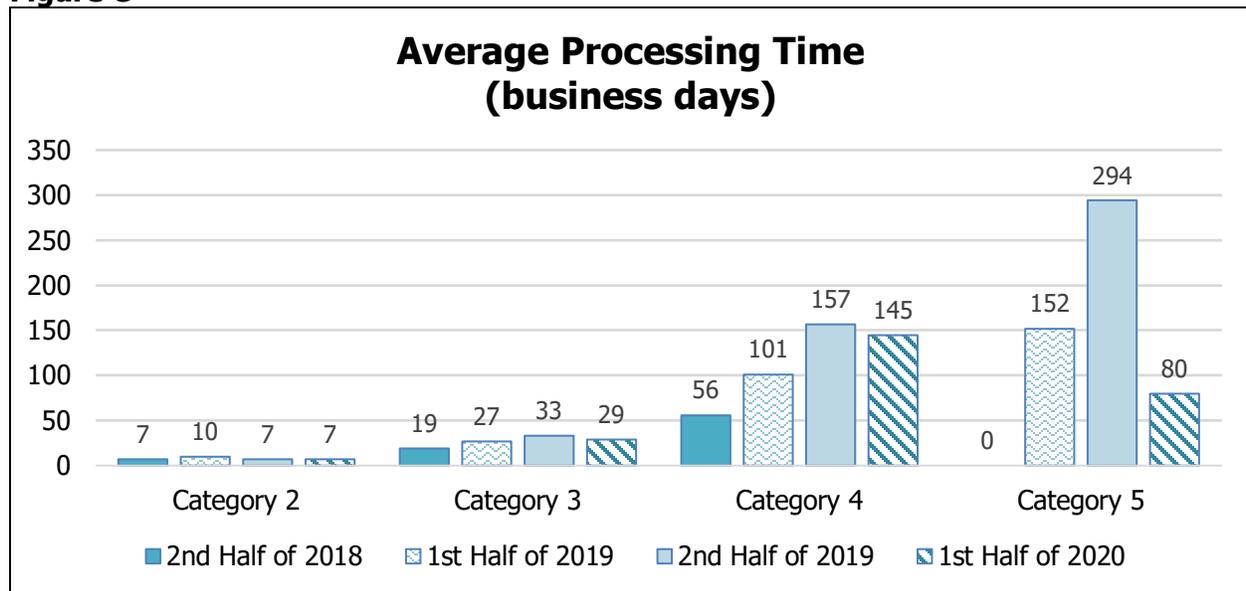
¹ There were no Category 1 requests received during any of the reporting periods

² Time is dependent on the nature and scope of the request for category 3, 4, and 5 requests

- 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.

Figure C presents data for the average processing time (in business days) by category. The data only reflects processing time for requests that have been closed during the current reporting period.

Figure C



TIMELINE FACTORS

The primary factors contributing to the decrease of average processing times in this reporting period for all categories were:

- COVID-19 slowed the number of records requests from a normal 80-100+ total requests in queue per day to 50-60 total requests in queue per day
 - We are now seeing an increase in requests as we phase further to into the “Safe Start” reopening plan
- Governor Inslee’s [Proclamation 20-28.6](#) suspending in-person review of records as well as the 5-day response timeframe
 - We have been successful in continuing to produce records or responding to requesters within 5 days

Despite the decrease in processing times, there has been a recent influx of requests in the category 4 and 5 queues that have required in-depth research, legal review, and an increase in necessary redactions. This will more than likely be reflected in the February 2021 report as an increase in response times.

PUBLIC RECORDS ACT LEGISLATIVE UPDATES

SSHB 1888- [42.56.250 amendment](#); to specifically include birth month and year and photograph of all public employees are exempt, not just criminal justice employees. Payroll deductions are now exempt. Requests for employee personnel files, supervisory files, etc. will now require third-party notice to employee, union representative (if applicable), and has to include certain details.

SB 6187- [42.56.590 amendment](#); modified the definition of "personal information" on security breaches to include the last four digits of social security numbers. Includes state and local agencies data breach timelines and nature of information to trigger notice requirement.

RELATED UPDATES

Staff has not completed a review of the internal minimum threshold for waiving costs when producing records in hardcopy format. Due to the closure of City Hall and suspension of any in-person review or pick-up by [Proclamation 20-28.6](#), the number of records produced in hard copy is not discernable at this time.

The Public Disclosure Steering Team will continue to assess the needs of the public records program. The current funding level appears to be adequate; to date, the program has not needed to draw on the \$100,000 Public Records Contingency Fund approved by the City Council in 2017.