

REQUESTS FOR PUBLIC RECORDS

Policy Statement:

The intent of RCW 42.56 (Public Records) is to allow public access to information concerning the conduct of government on every level while protecting an individual's right to privacy. Lake Whatcom Water and Sewer District intends to comply fully with the intent of the Public Records Act and has adopted the Sewer and Water Systems Documentation section of the Washington State Utility Services Records Retention Schedule to aid in compliance with the law. In the event there is a conflict between any provisions of state law and this policy, state law shall be controlling.

Procedures:

1. Requests for public records can be submitted to the District either in person or by telephone, mail or electronic mail.
2. If the record is subject to disclosure, the information may be released. If the information is not kept at the District office the requestor may be referred if known, to the appropriate office, agency, consultant, etc.
3. The District must respond within five (5) business days of receiving the request by either (1) providing the record in whole or in part; (2) acknowledging that the District has received the request and providing a reasonable estimate of the time the District will require to respond to the request; (3) requesting clarification from the requestor; or (4) denying the request in whole or in part.
4. If for any reason a delay is warranted, the requestor will be notified of the delay in writing. The General Manager, or the Records Officer acting under direction of the General Manager, will take at least one of the four actions described above within five (5) working days, unless the requestor specifies a more immediate response in which event an attempt will be made to meet the request sooner.
5. According to RCW 42.56.090, Public Records must be available for inspection and copying during the customary office hours of the District which are Monday through Thursday 8:00 a.m. to 5:00 p.m. except when and to the extent that this would unreasonably disrupt the operations of the District.

Costs for Copying Documents:

Copies will be made by a District staff person and are to be charged at the rate of 15¢ per page for letter and legal size documents. Larger sized documents may be charged at a rate not to exceed the actual cost of copying. Copying charges are payable in the District office upon service.

Administrative Appeal:

1. Denial of access to records may be appealed to the Board of Commissioners by tendering a written petition for review to the Records Officer or General Manager within five business

days following the written denial of the request. The petition shall include the written decision which constituted or accompanied the denial of access to records.

2. Immediately after receiving a petition for a review of a decision denying a public record in whole or in part, the Records Officer shall refer the request to the General Manager. The General Manager shall notify the Board of Commissioners which shall review the matter at the next regularly scheduled meeting of the Board of Commissioners. The petition shall be returned with a final decision within twenty business days following the date of the original denial.
3. Exhaustion of Administrative Remedy. A person shall not be considered to have exhausted his/her administrative remedies until the Board of Commissioners has returned the petition with a decision or until the close of the twentieth business day following denial of the inspection, whichever first occurs.

Public Disclosure Exemptions:

RCW 42.56 specifies certain public records that may be exempt from public disclosure, RCW 42.56.210-480 and as amended. It should be noted that the only exemption that is required (RCW 42.56.070(9)) is the non-disclosure of lists of individuals for commercial purposes. All other exemptions may or may not be used, at the discretion of the District. If a portion of a record could be released with exempt portions redacted, then the redactions should be made and the remaining information released.

Redactions:

RCW 42.56.210 (3) states that agency responses, refusing in part, inspection of any public record, shall include a statement of the specific statutory exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.