



Title: Public Disclosure Request (PDR)

Procedure #: N/A

Date of Issuance: 8/8/2022

Date of Revision: 8/8/2022

Background

The legislature in RCW 42.56.570 directed the Attorney General to adopt advisory model rules on public records compliance and to revise them from time to time.

The purpose of the model rules is to provide information to records requestors and state and local agencies about “best practices” for complying with the Public Records Act. The overall goal of the model rules is to establish a culture of compliance among agencies and a culture of cooperation among requestors by standardizing best practices throughout the state. The Attorney General encouraged state and local agencies to adopt the model rules (but not necessarily the comments).

KITTCOM, consistent with the provisions of RCW 42.56.100 and RCW 42.56.070, desires to adopt the model rules promulgated by the Attorney General with some modifications. It should be noted that the comments are not being adopted. The comments incorporate interpretations of the Public Records Act. Since these interpretations may change from time to time it was believed that the comments should not be a part of KITTCOM’s Public Record Act Rules.

Non-binding effect of model rules

The model rules are advisory only. The use of the words “should” or “may” are permissive, not mandatory, and are not intended to create any legal duty. While the model rules are nonbinding, they should be carefully considered by requestors and KITTCOM

Authority and purpose

(1) RCW 42.56.070 requires each agency to make available for inspection and copying nonexempt “public records” in accordance with published rules. The Public Records Act (codified in chapter 42.56 RCW hereinafter sometimes referred to as 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.

(2) The purpose of these rules is to establish the procedures KITTCOM will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of KITTCOM and establish processes for both requestors

and KITTCOM staff that are designed to best assist members of the public in obtaining such access.

(3) 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, KITTCOM will be guided by the provisions of the Act describing its purposes and interpretation.

Agency description--Contact information—Public records officer

(1) KITTCOM is a Washington Municipal Corporation within Kittitas County. KITTCOM has certain statutory responsibilities set forth in various provisions of state law found in the Revised Code of Washington.

(2) Any person wishing to contact the public records officer of KITTCOM is encouraged to do so by any of the following methods:

Mail:

KITTCOM
Public Records Officer
700 Elmview Rd
Ellensburg, WA 98926

Phone:

509 925 8534

Email:

kittcom@kittcom.org

Fax:

509 925 8540

Information is also available at KITTCOM'S web site at www.kittcom.org

(3) The public records officer will oversee compliance with the Act however other KITTCOM staff may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and KITTCOM will provide the "fullest assistance" to requestors; create and maintain for use by the public and KITTCOM officials, when appropriate and not unduly burdensome, an index to public records of KITTCOM; ensure public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of KITTCOM.

(4) Where possible, an alternate public records coordinator should be appointed as well, to serve as a backup for the primary public records coordinator in case of vacation, illness or other absence. All public records coordinators and alternates shall complete a public records training protocol approved by the public records officer within 90 days of being appointed public records coordinator or alternate.

Availability of public records

(1) **Hours for inspection of records.** Pursuant to Criminal Justice Information System (CJIS) security standards, records are not generally available to be inspected at the facility as it not open to the public.

(2) **Organization of records.** KITTCOM will maintain its records in a reasonably organized manner. KITTCOM will take reasonable actions to protect records from damage and disorganization. A requestor shall not take KITTCOM records from any office without the permission of the public records officer or designee.

(3) Making a request for public records.

(a) A form is available for use by requestors at www.kittcom.org, a copy of KITTCOM's request form is attached here as Appendix A.

(b) KITTCOM accepts public records requests by letter, fax, email, or in a drop box at KITTCOM.

Requests should include:

- 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 public records officer or designee to locate the records; and
- The date and time of day of the request.

(c) If the requestor wishes to have copies of the records made instead of receiving them electronically, he or she should indicate and make arrangements to pay for copies of the records or make a deposit.

(e) The public records officer or staff may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

(f) A “bot request” means a request that KITTCOM reasonably believes was automatically generated by a computer program or script. The public records officer does not accept an automated or bot request that is one of multiple requests received within a twenty-four hour period, if the request would cause excessive interference with other essential functions of KITTCOM.

Processing of public records requests—general

(1) **Providing “fullest assistance.”** KITTCOM is charged by statute with adopting rules which provide for how it will “provide full access to public records,” “protect records from damage or disorganization,” “prevent excessive interference with other essential functions of the agency,” provide “fullest assistance” to requestors, and provide the “most timely possible

action” on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request** Within five (5) business days of receipt of the request, the public records officer will do one or more of the following:

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

(b) Acknowledge the receipt of the request and providing a reasonable estimate of the time KITTCOM will require to respond to the request; or

(c) Acknowledge that KITTCOM has received the request and asking the requestor to provide clarification for a request that is unclear, and providing to the greatest extent possible, a reasonable estimate of the time KITTCOM will require to respond to the request if it is not clarified. If the requestor fails to respond to KITTCOM’s request to clarify the request, and the entire request is unclear, KITTCOM need not respond to the request. Otherwise, KITTCOM must respond to those portions of the request that are clear; or

(d) Deny the request.

(3) **Consequences of failure to respond.** If KITTCOM does not respond in writing within five (5) 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) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the 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.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If KITTCOM believes that a record is exempt from disclosure and should be withheld, the staff member completing the request will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide copies of the records requested in installments. The requestor will be notified of such a plan.

(7) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that KITTCOM has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

(8) **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 public records officer will close the request and indicate to the requestor that the request is closed. Additionally, if the requestor does not respond within thirty (30) days to a request for clarification, the public records officer will close the part of the request that was not clarified and indicate to the requestor that the unclarified section of the request is closed.

(9) **Later discovered documents.** If, after KITTCOM has informed the requestor that it has provided all available records, KITTCOM becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

(10) **Multiple Requests.** If a requestor has three or more public records requests pending, KITTCOM reserves the right to place those requests in a separate queue for processing, so as to not unreasonably delay processing of requests made by other requestors. If KITTCOM elects to place requests into a separate queue, KITTCOM will notify the requestor and give the requestor the opportunity to indicate the order in which they would like their requests to be processed.

Exemptions

(1) The Public Records Act provides that a number of types of documents 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 those exemptions, outside the Public Records Act, that restrict the availability of some documents held by KITTCOM. When this happens, exemptions will be explained to the requestor, but documents will be withheld or redacted appropriately.

(2) KITTCOM is prohibited by statute from disclosing lists of individuals for commercial purposes. A Commercial Purpose Declaration is attached as Appendix C.

Costs of providing copies of public records.

Fee Scheduled attached as Appendix D

(1) **Costs for paper copies.** There is no fee for inspecting public records or receiving an electronic copy. KITTCOM may establish, maintain and make available for public inspection and copying a statement of the actual costs that it charges for providing photocopies or electronically produced copies of public records and a statement of the factors and manner used to determine actual costs. Any statement of costs shall be adopted only after providing notice and a public hearing. KITTCOM need not calculate the actual costs it charges for providing public records if it has rules or regulations declaring the reasons for doing so would be unduly burdensome. To the extent KITTCOM has not determined actual costs because to do so would be unduly burdensome, KITTCOM may not charge in excess of those costs set forth in RCW 42.56.120. KITTCOM shall separately adopt either a statement of actual costs that it charges for providing photocopies or electronically produced copies of public records and a statement of the factors and manner used to determine actual costs or a statement declaring the reasons for doing so would be unduly burdensome. Under either circumstance, the statement or reasons shall be published along with these rules.

There are several specific statutes which govern charges for particular kinds of records. These statutes shall control over the charges for public records under the Act.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor, including a customized service charge. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. KITTCOM will not charge sales tax when it makes copies of public records.

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

(3) **Payment.** Payment may be made by cash, check, or money order to:

KITTCOM
c/o Ellensburg City Hall Finance Department
501 N Anderson St
Ellensburg, WA 98926

(4) **Waiver of copying charges.** The Public Records Officer or Executive Director or designee, has the discretion to waive any charge assessed for a request. For administrative convenience KITTCOM has chosen to waive fees for copies of public records when the total fee amounts to less than two dollars.

Review of denials of public records.

(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 e-mail) 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 public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer shall promptly consider the petition and any other relevant information and either affirm or reverse the denial within five business days following the public record officer's receipt of the petition, or within such other time the public records officer and the requestor mutually agree to.

(3) **Judicial review.** Any person may obtain court review of the denial of a public records request pursuant to RCW 42.56.550.

APPENDIX A



KITTCOM (KITTITAS COUNTY 911)

700 ELMVIEW ROAD
 ELLENSBURG, WASHINGTON 98926
 509/925-8534 • FAX 509/925-8540
 EMAIL: KITTCOM@KITTCOM.ORG

Request for Public Records

Name of person making request:	Date:
Address:	Phone Number:
City:	Email:
State:	I wish to: <input type="checkbox"/> Inspect records
Zip:	<input type="checkbox"/> Receive a copy of records
(Note: KITTCOM has no information for the State Patrol)	
I wish to receive the records: <input type="checkbox"/> by mail <input type="checkbox"/> by <u>email</u> <input type="checkbox"/> I will pick them up	

To assist us in answering your request accurately and promptly, **please be as specific as possible regarding the time, date, location of incident and agencies involved** in the space provided below. There is a \$.15 per page copy fee for 8.5 X 14 or smaller black and white copies, \$.50 per CD for recordings and any cost associated with mailing.

I have read and understand what information may be provided. Unless I am a member of an authorized Public Safety Agency, I agree to pay the applicable fees required to produce the information requested above.

Signature of requesting person _____ Date _____

For KITTCOM use only:

Received by: _____ (<u>initial</u>) on Date: _____
Request made <input type="checkbox"/> in person <input type="checkbox"/> by phone <input type="checkbox"/> by fax <input type="checkbox"/> by email <input type="checkbox"/> by mail
Date action taken: _____ Person <u>Taking action</u> : _____

APPENDIX B

KITTCOM 911 Public Disclosure Fee Schedule

ITEM	FEE
Cost Per Printed Page	\$.25
Cost of CD	\$.50
Electronic Requests	No Fee