



# Northshore Utility District

Policy and Procedure: **ADMIN – 22**

## PUBLIC RECORDS REQUEST

### **BACKGROUND:**

RCW 42.56.070(1) requires public agencies 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.

### **PURPOSE AND SCOPE:**

The purpose of this policy is to establish procedures that facilitate full access to public records with the timeliest possible response as required by the Act, protect records from damage or disorganization and prevent excessive interference with other essential functions of the District.

### **DEFINITIONS:**

**"Public record"** - A writing, regardless of physical form, containing information relating to the conduct of government or the performance of any governmental or proprietary function, prepared, owned, used or retained by the District.

**"Writing"** - A writing means handwriting, typewriting, printing, photostating, photographing, and any other means of recording any form of communication, including, but not limited to, letters, words, pictures, sounds or symbols or their combinations; papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including data compilations from which information may be obtained or translated. An email is a writing.

**"Identifiable record"** - An identifiable record is one that exists at the time the records request is made, and that District staff can reasonably locate.

**"Exempt record"** - All District records are available for review by the public unless they are specifically exempted or prohibited from disclosure by state law, either directly in Chapter 42.56 RCW or other applicable State or Federal statutes. The Washington State Office of the Attorney General maintains an up-to-date list of current exemptions and prohibitions on their [website](#).

### **POLICY:**

In support of the Act, the District has adopted the procedures outlined in this policy for responding to and processing requests for public records made pursuant to RCW 42.56. Requests for public records shall be handled with the full and prompt assistance of all staff designated or assigned to respond to such requests.

## **PROCEDURES:**

### **(a) Public Records Officer:**

The General Manager is the appointed Public Records Officer for the District and is responsible to ensure compliance with the Act and the provisions of this policy but may designate other staff members to process requests for public records.

The Public Records Officer or designee shall be the point of contact for requestors and the only authorized person(s) to communicate directly with a requestor on behalf of the District.

The Public Records Officer or designee will provide the fullest assistance to requestors, ensure that public records are protected from damage or disorganization, and prevent the processing of public record requests from causing excessive interference with the essential functions of the District.

Any person wishing to request access to public records, or seek assistance in making such a request should contact the Public Records Officer at:

Public Records Officer  
Northshore Utility District  
6830 NE 185<sup>th</sup> Street  
Kenmore, WA 98028  
Phone: (425)398-4400  
Fax: (425)398-4460  
[Public.Records@nud.net](mailto:Public.Records@nud.net)

### **(b) Display of this Policy and Procedures**

A copy of this policy and procedure shall be available at the front lobby of the District office and on the District's website.

### **(c) Availability of Public Records**

The District's records are available for inspection and copying during regular business hours from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding recognized holidays. Inspection of records shall occur at the District headquarters.

### **(d) Organization of Records**

The District has determined that maintaining a formal index of its records would be unduly burdensome. However, the District does maintain its records in a reasonably organized manner. The District will take reasonable actions to protect records from damage and disorganization.

**(e) Making a Request for Public Records**

A variety of records (such as Board meeting agendas and minutes) are available on the District's website at [www.nud.net](http://www.nud.net). Requestors are encouraged to start their search with the District's website prior to submitting a records request.

Any person wishing to inspect or copy District records is encouraged to make the request in writing using the District's records request form. The form is available at the District office and on-line at ([www.nud.net](http://www.nud.net)).

Completed request forms can be hand delivered, mailed, faxed, or e-mailed to the Public Records Officer and should include the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any e-mail address;
- Identification or description of the public record(s) that provides sufficient information for the Public Records Officer or designee to locate the record(s); and
- The date and time of day of the request.

If the requestor wishes to have printed, or electronic copies of the records, he or she should so indicate on the form and make arrangement to pay the estimated cost of creating copies. No copies will be made until the fee is paid. If the District provides copies in installments, each installment must be paid for before the District provides the next installment.

**(f) Fees**

The District has determined that calculating the actual costs of providing public records pursuant to Washington State Law would be unduly burdensome. Accordingly, the District shall impose reasonable fees as established by Washington State Law to cover the costs of producing requested records as follows:

- No fee shall be charged for the inspection of public records.
- 15 cents/page for black and white printed copies
- 10 cents/page for records scanned into electronic format
- 5 cents for every four electronic files or attachments uploaded to an email, cloud storage service, or other electronic delivery system
- 10 cents/gigabyte for transmitting records electronically

When it is determined the cost of copying and/or producing electronic records is greater than the fees listed above, the requester shall be charged the actual cost incurred for providing electronic copies, including costs related to production, file transfer, storage, postage and transmission. The actual cost

for copying and/or producing records shall not include fees related to staff time for locating, preparing records for inspection, or copying.

The District may send records responsive to a request to an outside vendor for copying/scanning, and the actual cost of the reproduction by the vendor shall be paid by the requestor.

**(g) Handling of Public Records.**

The District has the responsibility to safeguard its public records. It will arrange to have an employee observe the inspection or copying of the public records to ensure they are not destroyed or disorganized. A requestor may not alter, mark on, unassemble, or destroy an original record during inspection or copying.

**(h) Processing a Public Records Request**

**1. Acknowledging Receipt of Request**

Within five business days of receipt of the request, the Public Records Officer or designee will do one or more of the following:

- Make the records available for inspection;
- Acknowledge that the District has received the request and provide a reasonable estimate of the time it will require to further respond;
- If printed or electronic copies are requested, provide an estimate for any associated fees;
- Once payment has been made, provide the copies to the requestor;
- Seek clarification for any request that is unclear or does not sufficiently identify a record or class of records. The public records officer or designee may revise the estimate of the time it will require to further respond;
- Deny the request: (See h5 below).

**2. Identifiable Record**

Requests must be for “identifiable records” or “class of records” before the District can respond. An identifiable record is one that District staff can reasonably locate. The act does not allow a requester to search through agency files for records which cannot be reasonably identified or described.

A request for all or substantially all records prepared, owned, used, or retained by the District shall not be considered a valid request. If a request is not clear, the District will seek clarification from the requestor. If the requestor fails to clarify an unclear request within thirty days, the District will consider the request abandoned.

**3. Request for Information or nonexistent records**

Requests for information are not public records requests. The District is not required to conduct research for a requestor.

The District will only provide public records that are in existence at the time of the request. It will not create a new record to satisfy a records request. If a document (for example: a data extraction report) is not in existence at the time of the request, the District will not create one for the requestor.

#### **4. Protecting rights of others**

If the requested record contains information that may affect rights of others and the District has a reasonable belief that the record is arguably exempt from disclosure, the District may, at its "option," provide notice to a third party named in a public record or to whom the record specifically pertains (unless notice is required by law). Such notice would be given to make it possible for those third parties to seek an order from a court to prevent or limit the disclosure. Generally, the District would provide ten days' notice for the party to obtain such a court order.

#### **5. Records Exempt from Disclosure**

The Act provides that certain records are exempt from public disclosure. In addition, documents may be exempt from production by other statutes.

If the District determines a record or portion of a record is exempt from production, it will inform the requestor of the statutory justification for withholding or the redaction of a record and provide a brief written explanation of how the exemption applies to the record being withheld.

A requestor 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 should include justification for the reconsideration of the denial.

#### **6. Inspection of Requested Records**

Consistent with other demands, the District shall promptly provide space to inspect public records. However, no member of the public may remove a document from the viewing area or disassemble or alter any document.

If a record only exists in an electronic form, the District may provide a computer for on-site viewing of the requested records. This option will depend on the ability to maintain the security of the District's IT system and shielding from disclosure any records that are deemed exempt from production.

After the inspection is complete, the requester may request copies of specific records. The Public Records Officer or designee shall make the requested copies or arrange for copying after the requestor pays the fee for the copying.

#### **5. Mailing of Requested Records**

The District can mail copies of the public records upon request and the costs of the postage and mailing container will be added to the cost of copies charged to the requestor.

## **6. Maintaining a Log of Public Records Requests**

Record requests shall be tracked in accordance with the Act. A tracking log shall be maintained that includes the following information:

- Identity of the requestor (if provided).
- Date and time the request was received.
- The text of the original request
- Description of the records redacted or withheld and the reasons for the redaction or withholding.
- Date of final disposition of the request.

Additionally, District staff shall retain the original request, a copy of the records provided (unless too voluminous), and if applicable any exemption log that identifies redactions made or whole documents withheld.

## **7. Response Time**

The District will process records requests in the most efficient manner possible. The response time may be impacted if clarification is required to locate and assemble the records.

Public records requests will be handled in the order they are received. Should there be multiple requests by the same requestor, the request that was first received will normally be processed first and the other requests will be started after the previous request is complete.

While public records requests are an essential function of the District, the Public Records Officer also performs other essential functions for the District. Accordingly, the District finds it reasonable to restrict the time allocated to the Public Records Officer for responding to public records requests to 5 hours per week.

## **8. Providing Records in Installments**

The Public Records Officer may provide records in installments over time for requests that involve a large volume of records. The requester will be notified in advance that the records will be produced in installments. Additionally, the requestor will be informed of the cost (if applicable) of each installment once it has been determined.

The Public Records Officer will document the production of each installment and send a final fulfillment letter when all records responsive to the request have been produced.

If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the Public Records Officer or designee may stop searching for the remaining records and close the request.

**9. Closing Withdrawn or Abandoned Requests.**

If the requestor withdraws the request, fails to inspect the records within 30 days of notice that the records are available for inspection, or fails to make the payment for the requested copies, the District will close the request and notify the requestor that the request has been closed. The Public Records Officer will document closure of the request and the conditions that led to the closure.

**10. Later discovered responsive record**

If the District discovers responsive records after a request has been closed, it will notify the requestor about the discovered records and make them available upon request.

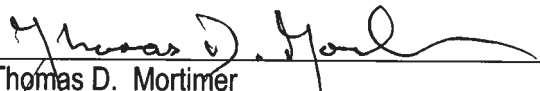
**DOCUMENTS REQUIRED:**


EXHIBIT "A" "Public Records Request Form"

**QUESTIONS AND ANSWERS:**

**AUTHORIZATION:**

Approved by the Board of Commissioners on October 19, 2020.

  
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Thomas D. Mortimer  
President, Board of Commissioners  
Date Signed: 10/19/2020

  
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Alan G. Nelson  
General Manager  
Date Signed: 10/19/2020



# PUBLIC RECORDS REQUEST FORM

6830 NE 185<sup>th</sup> St. | Kenmore, WA 98028  
 Ph: (425) 398-4400 | Fax: (425) 398-4430 | [www.nud.net](http://www.nud.net)

## REQUESTER INFORMATION

Name:				Requesting date:		
Email:	Ph:	Fax:	Request made:	<input type="checkbox"/> by mail	<input type="checkbox"/> by email	<input type="checkbox"/> by fax <input type="checkbox"/> in person
			Contact me:	<input type="checkbox"/> by mail	<input type="checkbox"/> by email	<input type="checkbox"/> by fax <input type="checkbox"/> by phone
Address:						

**REQUEST DESCRIPTION** (Please be specific enough for District staff to identify and locate the records that you are requesting. This request can only be for existing records; the District cannot do research or create reports, document or records at your request.)

Do you want to inspect the records? Check box if yes.

Inspect first and copy selected pages:

## PUBLIC RECORD REQUEST CONDITIONS

The District is not allowed to provide lists for commercial uses. I agree not to use this requested information for a mailing list for commercial purposes.

I understand that I must inspect or claim the requested records within 30 days of being notified by the District that the requested records are ready for inspection. The District shall close the request after that time period.

By signing the box at right, I agree to both conditions. →

Requester Signature

## FOR DISTRICT USE ONLY

Request received date:		Received by:		Assigned to:	
Email search terms:					

## REQUEST PROCESSED:

Estimated date for records availability:		Requester notified on:	
Additional time? If so, how long and why?		Requester notified on:	
Records inspected on:		Request sent to District attorney on:	
If the request is denied or withheld in part, name the exemption contained in 42.56 RCW. If request is concluded in another manner, please explain how.			

**CHARGES:** (There is no charge for record inspection. Letter-sized copies are 15 cents each.)

TOTAL CHARGE:	\$	Paid on:		Receipt No.:	
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