

CITY OF ROY PUBLIC RECORDS DISCLOSURE POLICY AND PROCEDURE

The City of Roy is required by RCW 42.56.100 to adopt and enforce reasonable rules and regulations, consistent with the intent of the Washington State Public Records Act (PRA, The Act), referenced in RCW Chapter 42.56 and the Model Rules of WAC 44-14, and to provide access to public records, protect public records from damage and disorganization and to prevent excessive interference with other essential functions of the City. The City is also required to protect certain public records from disclosure subject to various legal exemptions. This policy and procedure does not apply to responses to legal discovery requests governed by State or Federal Rules of Civil Procedure.

The city is an optional municipal code city under the laws of the State of Washington (Title 35A RCW) with a mayor-council form of government. The City previously adopted rules and regulations to carry out and implement the Public Records Act. Those rules and regulations are codified in Roy City Code Chapter 1-8.

This PRA Disclosure policy further establishes the procedures the City of Roy will follow to provide for the fullest assistance to requestors including the timeliest possible action on requests, while protecting public records from damage and preventing “excessive interference with other essential agency functions.”

The City is required to respond to public records requests pursuant to Chapter 42.56 RCW. The City is not required to respond to questions, do research, or to give information that is not the subject of an identifiable public record.

It is expressly the purpose of this policy to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this policy. Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any duty whatsoever upon the City or any of its officers or employees. The City reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time. Nothing contained in this policy is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this policy by its officers, employees, or agents. Failure to comply with any provision of these rules shall not result in any liability imposed upon the City other than that required in The Act. This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as “shall,” nothing in this policy is intended to impose mandatory duties on the City beyond those imposed by state and federal law.

1. Definitions

- 1.1. “The City of Roy” and “The City” includes any office, department, division, bureau, board, commission, or agency of the City of Roy.
- 1.2. “Public record” includes 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 City of Roy regardless of physical form or characteristics.
- 1.3. “Writing” means handwriting, typewriting, printing, Photostatting, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all 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 existing data compilations from which information may be obtained or translated.
- 1.4. “Identifiable record” means an identifiable record that is in existence at the time the records request is made and that City staff can locate after an objectively reasonable search.

- 1.5. "Exempt record" includes all agency records that are specifically exempted or prohibited from disclosure by state or federal law, either directly in RCW 42.56 or other statutes. For information related to Public Record Exemptions please see Municipal Research and Services Center's (MRSC) publication "Public Records Act for Washington Cities, Counties and Special Purpose."

2. Responsibility

Public Records Officer: The City of Roy's Public Records Officer is the City Clerk-Treasurer. Other city staff members may also process public records requests, as needs require.

City Attorney: The City Attorney's Office shall provide legal advice to the Public Records Officer or designee on those occasions when such advice is sought. Additionally, the City Attorney's Office will provide a timely written response to a written request for explanation of a denial of the release of public information as provided in the section of this policy, "Mechanism for review of denial."

Central and Contracting Offices: The City of Roy's central office for requesting records is City Hall, 216 McNaught Street South, Roy, WA 98580. The City contracts with South Sound 911 to maintain and respond to requests for the records of the Roy Police Department. More information regarding South Sound 911 may be obtained through that agency's website southsound911.org.

3. Organization of public records

The City finds that maintaining an index as provided in RCW 42.56.070 for use by the public would be unduly burdensome and would interfere with agency operations given the high volume, various locations, and types of public records received, generated and otherwise acquired by the City. (RCW 42.56.070 and Roy City Code 1-8-3) Notwithstanding the foregoing, the City will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization.

4. Retention of records

The City is not required to retain all records it creates or uses. However, the City will follow RCW Chapter 40.14, *Preservation and Destruction of Public Records*, in the retention and destruction of public records. The Secretary of State, State Archives Committee approves a general retention schedule for local agency records (including cities) that is common to most agencies. Individual agencies may seek approval from the Local Records Committee for retention schedules specific to their agency or that, due to their particular business needs, must be kept longer than provided in the general schedule. The retention schedules are available at <https://www.sos.wa.gov/archives/recordsretentionschedules.aspx>. Retention schedules for documents vary based on the content of each record.

Responses to requests for public records, including responses by email, become public records in their own right, subject to the provisions of the PRA and the retention requirements of the Office of the Secretary of State, and shall be maintained accordingly. The City will retain copies of both the pre-redaction and post-redaction public records provided to requestors. These copies may be retained electronically. The Public Records Officer must maintain a summary record of all requests and associated documents with the following information:

- identity of requestor,
- date of receipt,
- due date of request,
- brief description of the requested records,
- search efforts performed to locate records,
- description of any clarifications of the request, and
- dated notation of the closure of the request.

5. Making requests

5.1. Where to request records:

General records requests – Any person requesting access to general public records or seeking assistance in making such a request must contact the City Clerk-Treasurer located at:

City Clerk-Treasurer/Public Records Officer	Email: RoyCityHall@CityofRoyWA.us
City of Roy	Phone: (253) 843-1113
216 McNaught Street South	Fax: (253) 843-0279
PO Box 700	Hours: 8:30 a.m. to 4:30 p.m.
Roy, WA 98580	Monday through Friday

Police records requests – Any person requesting police records must contact South Sound 911 located at:

South Sound 911	Public Records Portal:
Public Counter: 945 Tacoma Avenue South	https://southsound911.org/records/
Mail to: Records Custodian	
955 Tacoma Ave S, Ste 202	
Tacoma, WA 98402	

Roy Municipal Court records are exempt from the PRA and are subject to release directly through the Roy Municipal Court under General Rule 31.1.

Online – A variety of records are available on the City's website at <https://www.cityofroywa.us>. Requestors are encouraged to view records available on the website prior to submitting a records request.

5.2. Request format:

While there is no specific required format for a public records request, a requestor must provide the City with reasonable notice that the request being made is for public records. When a requestor does not use an official request form, or makes a request to an employee who is not the public records officer, the requestor should take other steps to clearly identify their request. If a request is contained in a larger document unrelated to a public records request, the requestor should point out the public records request by labeling the front page of the document as containing a public records request or otherwise calling the request to the attention of the Public Records Officer to facilitate a timely response to the request.

The City encourages that all requests for public records be made in writing on a Request for Public Records form, which is available at the City Clerk-Treasurer's Office and on the City of Roy's website <https://www.cityofroywa.us>. Requests may be submitted in person, orally, by mail, fax, or e-mail. Mail, e-mail, and faxes will be considered received on the date the form is received, not on the date sent. Requests will be stamped with the date received unless arriving with an automatic date stamp, as via email. Requests should include the following information:

- the requestor's name, mailing address, and contact phone number or other convenient means of contact such as email address, fax, etc.;
- the date of the request;
- the nature of the request, including a detailed description of the public record(s) adequate for the city personnel to be able to locate the records;
- a statement regarding whether the records are being requested for a commercial purpose (RCW 42.56.070(8)); and
- whether the requestor desires copies, or to inspect the requested records.

Requests for public records made orally must be made during normal business hours. Requests for public records made orally must be transcribed by staff, the requestor must verify in writing that the transcription correctly memorializes the request, and the resulting writing must be confirmed by the Public Records Officer.

Requests for public records made pursuant to other, non-PRA, statutory rights of access to public records shall not be considered “public records requests” but may be otherwise handled under this policy.

5.3. Broad, general requests:

The City sometimes receives requests for public records identified in terms of “any and all records related to” or similar language. The phrase is inherently ambiguous and requestors are encouraged to avoid using the phrase when possible to avoid unnecessary delays. The City may not deny a request for identifiable records solely because the request is overbroad. If the requestor is unable or unwilling to help narrow the scope of the documents being sought in order to expedite the City’s response and/or reduce the volume of potentially responsive documents, the Public Records Officer may interpret the request to be for records which directly and fairly address the topic and may err on the side of producing more rather than fewer documents in response to such a broad, general request. City staff shall not be obligated to interpret such a request in order to decipher which specific documents may be of interest to the requestor. The PRA does not allow a requestor to search through the City’s files for records which cannot be identified or described to the City.

5.4. Bot requests and “all records” requests:

The City may deny automatically generated (bot) requests received from the same requestor within a 24-hour period, if the bot requests cause excessive interference with the other essential functions of the City. The City may deny a request for all or substantially all records of the City not relating to a particular topic.

5.5. Multiple requests:

When the same requestor simultaneously submits multiple, separate requests or makes one or more additional requests when previous requests are open, the City may queue the requests in the order received. The City is not required to work on an additional request until the initial requests are completed and closed. Requestors are responsible for informing the Public Records Officer if they want to reprioritize the fulfillment of their requests.

5.6. Electronic records:

The process for requesting electronic public records is the same as the process for requesting paper public records.

When a requestor requests records in an electronic format, if technically feasible, 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 City and is generally commercially available. When requested and deemed feasible, electronic records may be converted from one format to another provided such conversion is not unduly burdensome to staff. Records available in electronic form that do not require redaction may be provided to a requestor in native format unless the requestor specifically asks that they be provided in paper or other form.

6. Responding to requests

6.1. Response to requests:

Within five (5) business days of receiving a request, the City will either (A) provide the record itself; (B) provide a direct link to the online document(s) if available and if requestor will accept a link in lieu of a different format; (C) acknowledge that the request has been received and provide a reasonable time estimate it will need to respond to the request; (D) deny the request; or (E) indicate that the City does not have records responsive to the request. Business days do not include weekends or City holidays. If the City does not respond in writing within five (5) business days of receipt of the request for disclosure, the requestor should contact the Public Records Officer to determine the reason for failure to respond.

Additional time to respond may be based on the need to clarify the intent of the request, to locate and assemble the records, to redact confidential or exempt information, to prepare a withholding index, to notify third parties or agencies affected by the request and provide such parties/agencies with the opportunity to seek a court order preventing disclosure where appropriate, and/or to consult with the City Attorney about whether the records are exempt from disclosure. The Public Records Officer should briefly explain the basis for the time estimated to respond. Should an extension of time be necessary to fulfill the request, the Public Records Officer will provide a revised estimate and explain the changed circumstances that make it necessary.

The initial response may propose fulfilling large or complicated requests on an installment basis and provide an estimated time frame for preparation of the first installment. See “providing records in installments” below.

Initial and final responses to official requests for public records shall be made in writing and may be by fax, letter, notation on a request form, or email.

The City is not authorized to provide lists of individuals for commercial purposes. The Public Records Officer may also seek sufficient information to determine if another statute or court order may prohibit disclosure. If the requestor fails to clarify an unclear request within 15 business days, the City will treat the request as having been withdrawn.

If the public record contains personal information that identifies an individual or organization other than the subject of the requested public record, the City may notify that individual or organization to allow the party to seek relief pursuant to RCW 42.56.540. Such relief may include a court injunction prohibiting release of the record because such examination would not be in the public interest and would substantially and irreparably damage any person or vital governmental function. The City may take the above into account when providing an estimate of when the records will be available. Nothing in this policy is intended to, nor does it, create any right to such notice.

The City may respond to a request to provide access to a public record by providing the requestor with a link to the City’s website containing an electronic copy of that record if it can be determined that the requestor has internet access and the requestor agrees that the request has been satisfied.

When the requestor has found the records he or she is seeking, the requestor should advise the Public Records Officer that the requested records have been provided and any remainder of the request may be cancelled.

6.2. Categories of requests and time periods for response:

The City will process requests in the most efficient manner as the Public Records Officer (defined above) deems appropriate. The Public Records Officer may ask a requestor to prioritize the records he or she is requesting so that the most important records may be provided first.

The City must allocate limited staff resources in a manner that responds to requests thoroughly, correctly and within required deadlines. In order to do so while maintaining the City’s ongoing regular services and essential functions, the City cannot commit more than 10% of administrative staff hours to fulfilling requests. Therefore, it is sometimes necessary to differentiate public records requests according to their complexity and the estimated staff time involved in completing the requests. When a public records request is received, the Public Records Officer will categorize the request according to the nature, volume and availability of the requested records as follows. After initial categorization, records requests may be re-categorized in response to unanticipated circumstances or additional information.

Category 1 requests are routine or readily filled requests for easily identified and immediately accessible records requiring little or no coordination between departments. Examples include a request to review an individual permit file or a request for a copy of a specific ordinance.

Category 2 requests are routine requests that involve more than one record or file, and/or records not easily identified or accessible, and/or records requiring some coordination between departments.

Category 3 requests are complex requests that involve a large number of records, and/or research by City staff, and/or an email search, and/or review to determine whether any of the records are exempt from production.

Category 4 requests are complex requests that may be especially broad or vague and may involve a large number of records that are not easily identified or accessible, and/or requiring coordination between multiple departments, and/or involving research by City staff who are not primarily responsible for public disclosure, and/or requiring legal review and creation of an exemption log, and/or requiring additional involvement by third parties.

Mindful of the requirement to provide fullest assistance, to the extent reasonably possible, the City will process the requests in the order allowing the most requests to be processed in the most efficient manner. Requests may be fulfilled in the order of receipt as long as easily fulfilled requests are not postponed behind larger or more complicated requests strictly because they were received later. The following standard periods for response to all categories of records requests are established as goals. If records cannot be made available within the standard period, or within a revised estimated time, the City may extend the estimated time to respond and notify the requestor of revised estimates.

Generally, the City will be able to make records available for Category 1 requests within 5 business days.

The City will estimate the time needed to fulfill Category 2 requests depending on the nature and scope of each request, generally between 5 and 30 business days.

The City will estimate the time needed to fulfill Category 3 requests depending on the nature and scope of each request, generally requiring several weeks to several months.

The City will estimate the time needed to fulfill Category 4 requests depending on the nature and scope of each request, generally requiring several weeks to a year or more. In some cases, an estimate of the total amount of time needed cannot be made until research is done to identify the responsive records. In those cases, the Public Records Officer will communicate with the requestor regularly to inform him or her of the progress on the request.

6.3. Seeking clarification:

The City may ask for clarification of a request in order to properly identify the records being requested. Any information provided about the purpose of the request shall not be used as a basis for denying the request. The City may seek clarification, and/or ask the requestor to prioritize the request so that the most important records are provided first, and/or communicate with the requestor to limit the size and complexity of the request. When a requestor agrees to narrow a request, nothing prevents the requestor from later expanding the request back to its original scope. Clarification of requests may be obtained in writing or verbally, but if verbally, they will be followed up with a written statement of the City's understanding of the clarification. When the City requires and asks for clarification of a request and receives no response from the requestor within thirty (30) calendar days of asking, the Public Records Officer may consider the request abandoned, send a letter to the requestor closing the response, and re-file the records.

6.4. Providing records in installments:

When the request is for a large number of records, the City may provide access for inspection or copies, as requested, in partial installments if reasonably determined that it would be practical to provide the

records in that way. If the requestor fails to inspect or collect one or more of the installments within thirty (30) calendar days from notification of availability, the City may deem the request abandoned, discontinue compiling subsequent installments of the same disclosure request, and close the request. The Public Records Officer is not required to attempt to contact the requestor prior to deeming the request abandoned.

6.5. Records exempt from public disclosure:

The City is not required to permit public inspection and copying of records for which public disclosure of the record is prohibited, restricted or limited by state law or federal statute or regulation. The City is prohibited by statute from disclosing lists of individuals for commercial purposes. The City may do research to confirm that a request is not for commercial purposes if a request for a list of individuals is received without a signed certification by the requestor that such list shall not be used for commercial purposes.

The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. RCW 42.56.230 through 42.56.480 contains a large number of exemptions from public inspection and copying. Other statutes outside the Public Records Act may prohibit and exempt disclosure of certain documents or information. Examples of these other types of exemptions and prohibitions can be found in Appendix C of MRSC's *Public Records Act* publication available at <http://mrsc.org>. The City's failure to list an exemption shall not affect the effectiveness of the exemption.

All denials of requests for public records will be accompanied by a written statement specifying the reason(s) for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

Exemption from disclosure of a portion of a record does not automatically exempt the remainder of the record from disclosure. Exempt portions of records may be subject to redaction. Requested records may only be withheld or redacted consistent with statutory requirements, which shall be documented in writing for the requestor in accordance with the requirements of RCW 42.56.210. The Public Records Officer shall keep a copy of the redacted records for the request file.

Documentation of withheld or redacted records may be by creation of an exemption log that lists the information withheld, the reason, and the statutory citation supporting each redaction or record withheld. Individual occurrences of the same redaction may be listed generally in the exemption log. For example, an exemption log need not list separately every occurrence of the redaction of an individual's social security number, but may list one time the number has been redacted throughout the record.

The City or any officer, employee, official or custodian shall not be liable, and a cause of action shall not exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy.

6.6. No duty to create records:

This policy does not require the City to answer written questions, summarize data or information, create new public records, or provide information in a format that is different from original public records; however, the City may in its discretion, create such a new record to fulfill the request where it may be easier for the City to create a record responsive to the request than to collect, redact and make available voluminous records that contain small pieces of information responsive to the request.

6.7. No duty to provide information:

This policy does not require the City to respond to requests for information, research, opinions or advice. Requests for information, research, opinions, advice, or similar requests will not be responded to pursuant to this policy.

6.8. No duty to supplement responses:

The City is not obligated to hold current records requests open to respond to requests for records that may be created in the future. If a public record is created or comes into the possession of the City after a request is received by the City, it is not responsive to the request and will not be provided. A new request must be made to obtain later-created public records.

7. Providing requested records

7.1. Availability of public records:

Public records are available for inspection and copying at the City Clerk-Treasurer's Office during normal business hours: Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding City holidays. City personnel and the requestor may make mutually agreeable arrangements for time(s) of inspection and copying.

To the extent possible given other demands for space and staff time, the Public Records Officer shall promptly provide space to inspect public records at City Hall. The City deems it necessary, in order to comply with the PRA's mandate to protect public records, to require that inspections of public records be conducted in the presence of the Public Records Officer or designated staff. The City will make every effort to provide staff to oversee the expeditious inspection of public records without unduly compromising or unreasonably interfering with the essential functions of the City. All assistance necessary to help requestors locate and inspect particular responsive records shall be provided by the Public Records Officer, provided that the giving of such assistance does not unreasonably disrupt the daily operations of the City Clerk-Treasurer or other duties of any assisting employee(s) in other City departments. In accommodating a request for public records inspection, the City may consider the size of the request, the ease with which the requested records can be made available for inspection, and special accommodations requested by the requestor necessary in order to inspect the records, the availability (schedule) of the requestor to conduct the inspection, the availability of City staff to observe the inspection, the time constraints on staff availability imposed by other current City business, and any other relevant circumstance.

After inspection is complete, the requestor shall indicate which documents he/she wishes to have copied using a non-permanent method of marking the desired records as approved by the Public Records Officer. The Public Records Officer will arrange for copying.

The City reserves the right to make copies of records for inspection rather than provide the original records for inspection. The requestor will not be responsible for copy costs if the requestor only inspects records.

7.2. Requestor responsibility

Requestors shall arrange to inspect records or claim copies of requested records within thirty (30) calendar days following notification by the City that responsive records are available for inspection or copying. The 30-day period begins on the business day immediately following the City's notice that the records are available and includes weekends and City holidays. The Public Records Officer may extend this time period as appropriate to ensure fullest assistance to requestors. Requestors must respond to requests for clarification within 30 calendar days of being contacted, or a request will be deemed abandoned and closed.

7.3. Preservation of public records:

No member of the public may remove a public record from the City Clerk-Treasurer's Office without the Public Records Officer's permission. No member of the public may remove a public record from a viewing area, disassemble, or alter, fold, mark, deface, tear, damage or destroy any public record. Public records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by City staff. Copies of public records may be copied only on copying

machines of the City unless other arrangements are made by the Public Records Officer. No food or drink will be permitted during the inspection of public records. Access to file cabinets, shelves, vaults and other City storage areas is restricted to authorized City staff.

7.4. Loss of right to inspect:

Inspection shall be denied and the records withdrawn by the Public Records Officer if the requestor, when reviewing the records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the City.

7.5. Fees:

The charges for public records are set forth in the City of Roy Fee Schedule. No fee is charged for inspection of a public record or for locating a record. Payment of fees is required prior to release of records unless other arrangements have been made. When requested records are provided on an installment basis, fees shall be collected for copies prior to provision of the next installment. If payment is not made within thirty (30) calendar days of notice that records are available, the entire request may be deemed abandoned and may be administratively closed without further communication to the requestor.

7.6. Deposit:

The City may require a deposit of up to ten percent (10%) of the estimated cost of copying records prior to copying any records for a requestor. The City may also require payment of the remainder of the cost before providing all of the records, or the payment of the costs of copying an installment before providing that installment.

7.7. Closing abandoned or unpaid requests:

If the requestor withdraws the request, fails to fulfill his or her obligations to inspect the records within thirty (30) calendar days of notice that the records are available for inspection, or fails to pay the deposit or payment for the requested copies, City personnel will close the request. The Public Records Officer will make a reasonable attempt to contact the requestor before deeming the request abandoned and closed. City personnel will document closure of the request and the conditions that led to closure.

8. Additional procedures

8.8. Later discovered documents:

If, after the City has informed the requestor that it has provided all available records, the City becomes aware of additional responsive documents that existed on the date of the request, the City will promptly inform the requestor of the additional documents and provide them on an expedited basis.

8.9. Mechanism for review of denial:

Any person who objects to the denial of a public records request may petition in writing to the Public Records Officer for a review by the City Attorney 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. The City Attorney shall perform a review of the denial 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. If the withholding or redaction is affirmed, the decision shall be considered the City's final action for the purposes of judicial review. If the decision to withhold or redact is reversed, the Public Records Officer shall make the subject records available to the requestor for inspection in accordance with the provisions of this policy and procedure.

The requestor also has the options to seek review by the state Attorney General or Pierce County Superior Court.