



Category: Fire District Administration – Series 3000	Replaces: 3300 (10/16/12), 3300P (10/16/12)
Adopted By: <u>Ben Andrews, Fire Chief</u>	Effective: 12/26/17

Related Documents

- [RCW 40.14, Preservation and Destruction of Public Records](#), Washington State Legislature
- [RCW 42.56, Public Records Act](#), Washington State Legislature
- [WAC 44-14, Public Records Act – Model Rules](#), Washington State Legislature

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1.0 Scope and Application

- 1.1 The following policies and guidelines apply to all members.
- 1.2 This standard operating procedure serves to establish the District’s guidelines for managing the process fulfilling public record requests.

2.0 Standard Definitions

Copy – As used herein, shall mean a duplicate of the record in the same media, except that a “copy” of an electronic stored record shall mean a printout of the record, or in the sole discretion of the Records Officer an electronic version in a commercially available format.

Electronic Public Record – Includes all data compilation stored and retained on District computers containing information relating to the conduct or performance of any governmental function prepared, owned, used or retained by the District.

Exception: Electronic public records do not include personal materials entered or stored on District computers by members when using the computers for incidental personal use.

Record – As used herein, refers to the “record” available to the public for electronic stored records shall be a printout of the stored record.

Public Record – Any hard copy and/or electronic document, book, paper, photograph, map, sound recording or other material, regardless of physical form or characteristics, created or received in connection with the District’s transaction of official business as defined in chapter 42.56 RCW.

Examples include: Original vouchers, receipts, transaction documents relating to the receipt, use, and disposition of property and public funds; agreements and contracts to which the District may be a party; records or documents required by law, etc.

Exception: Public records do not include personal records of District members that may be in the possession of the member or located in their office, personal lockers, or living quarters. Public records do not include records held by volunteers who: 1) Do not serve in an administrative capacity; 2) Have not been appointed by the District to an agency board, commission, or internship; 3) Do not have a supervisory role or delegated District authority.

Records Officer – Refers to the individual designated by the Fire Chief with responsibility for overseeing the Fire District’s records management practices.

Review Authority – Refers to the individual designated by the District to serve as the point of appeal for reviewing and ruling on appeals to public records request that were denied review. The District’s Review Authority shall be the District legal counsel.

3.0 District Policy

- 3.1 The District, in accordance with [RCW 40.14](#), [RCW 42.56](#), and [WAC 40.14](#), shall retain and provide the public full access to the public records applicable to the Fire District’s common management functions.
- 3.2 The District will provide for the fullest assistance to requestors including the most timely possible action on requests, while protecting public records from damage and preventing “excessive interference with other essential agency functions.”
- 3.3 The District shall, in accordance with [RCW 42.56.100](#), insure that disclosure of public records is managed in a manner that protects against the invasion of an individual's right to privacy and restricts access to its records that are exempt from public disclosure.
- 3.4 The inspection and copying of District records must be conducted under the supervision of authorized District members in order to protect the records. The District has a limited number of office personnel available to provide the required supervision. Therefore, while the District will make every effort to provide prompt responses to record inspection and copying requests, the District cannot permit the response to record requests to unduly interrupt the normal operations of the District.
- 3.5 To insure the protection of District records and to prevent improper disclosure of records, no members shall have access to District records without authorization, unless their regular job duties require access. While members will have access to District records used in the performance of their duties, they shall not have access to confidential information that is exempt from disclosure and is not necessary for the performance of their duties. In the event members are afforded access to confidential records, they must not improperly use or disclose the information or records.

4.0 Responsibilities

- 4.1 In accordance with RCW 42.56.040, the District shall develop, maintain and assure public access to the District’s policy, and procedures for handling of records requests.
- 4.2 In accordance with RCW 42.56.580, the Fire Chief shall designate a Public Records Officer who shall be responsible for developing and providing oversight of the District’s records management program, including training others in records management guidelines and retention schedules.

- 4.3 The District shall designate its legal counsel to serve as the Review Authority who shall be responsible for ruling on appeals to public records request that were denied.

5.0 General Guidelines

- 5.1 The following guidelines apply to members of the public, to all District members, and to any independent contractors retained by the District. Except where these guidelines are mandated by statute, these guidelines are discretionary and advisory only and shall not impose any affirmative duty on the District. The District reserves the right to apply and interpret these guidelines as it sees fit, and to revise or change them at any time.

5.2 Records Access & Copying

1. Computer Network: In order to maintain the security of the records as required by RCW 42.56.100, the District's computer hardware shall not be made available to the public for review of electronic records.
2. Public Records Availability: The records or printouts of all the District's electronic public records as defined above are available for public inspection pursuant to these rules, except as otherwise provided by RCW 42.56 and other applicable statutes.
3. Location of Records: The District's public records shall be maintained at the headquarters station or such other locations as approved by the Fire Chief. All records shall be in the custody of the District's Records Officer, who shall be responsible for the implementation of these rules.
4. Hours for Inspection and Copying: The District does not always have sufficient resources to staff regular office hours. Consistent with the requirements of the Public Records Act, the Records Officer will generally be available during the District's normal business hours, excluding legal holidays.

Because staff availability during business hours may be limited by budgetary constraints, work loads, record request volumes, and other factors related to providing the District's primary essential business functions, scheduling inspection times in advance is strongly advised to help ensure staff availability.

- 5.3 **Requests for Public Records** – In accordance with RCW 42.56, public records may be inspected and copied, or copies obtained by the public as follows:

1. Requests shall be made in writing to the Records Officer using the District's Public Records Request form. *Reference: 3300F, Public Records Request Form*
 - a. If the requested record is for a list of individuals, a signed statement is required to attest that the information obtained will not be used for commercial purposes.
2. All mailed requests shall contain the information described above and shall be mailed to the District headquarters station.
3. In all cases in which a member of the public is making a request it shall be the obligation of the employee to whom the request is made to assist the member of the public in appropriately identifying the public record requested.
4. The Records Officer shall maintain a process for tracking:
 - Identity of requestor;

- Date and text of request;
- Description of records redacted or withheld and the reasons for redaction/withholding;
- Description of records produced in response to request;
- Date of final disposition of the request.

5.4 Exemption from Public Inspection

1. The District reserves the right to determine, in accordance with RCW 42.56 or other applicable statutes, that a record requested is exempt in whole or in part from public inspection.
 - a. In accordance with RCW 42.56.070, the District shall maintain and publish a list of exemptions and prohibitions to disclosure other than those listed here in. *Reference: 3300A, Public Records Request Exemptions*
2. In accordance with RCW 42.56.070, the District reserves the right to delete and/or redact identifying details when it makes available any public record or printout of a public record in any case where there is reason to believe that disclosure of details would be an invasion of personal privacy protected by RCW 42.56 or other applicable statutes. The member who deletes or redacts information shall fully justify the reason for doing so in writing.
3. All denials of requests for copies of public records shall be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record or portion of the record and a brief explanation of how the exemption applies to the record.

5.5 Duties of Records Retention Officer – The Records Officer shall undertake the following analysis with respect to all public records requests:

1. The Records Officer shall review the request form and shall review the requested record to determine the nature of the information contained in the record and to determine whether or not the release of the requested record is exempt from public inspection under RCW 42.56 or other applicable statutes.
2. If the record requested is classified as a medical record the Records Officer shall determine whether the patient has authorized disclosure of the medical record pursuant to RCW 70.02.030. In the absence of patient authorization the Records Officer shall determine whether the requester is an authorized recipient of the record as defined in RCW 70.02.050.

Reference: [SOP: 3310, Using, Disclosing, & Protecting PHI](#)

3. If the disclosure of the record requested is restricted by any other federal or state statute, the Records Officer shall comply with the restrictions or the procedure required for the release of the requested information.
4. In the event it is determined there would be no violation of the right to privacy by the disclosure of the record or any information contained in the record or that the information is not exempt from disclosure, the Records Officer shall determine if the record may be inspected or copied in its entirety and if so, the inspection or copying shall be permitted.

5. In the event the record contains confidential information and public information, the Records Officer shall segregate the public information from the confidential information, prepare a copy of the record showing only the disclosable portion and release or permit copying of only the public information.
 6. In the event a record contains information that affects the privacy interest of a third party and the Records Officer reasonably believes that an argument could be made that the record is exempt, the Records Officer shall provide notice in accordance with RCW 42.56.540, to the affected third party of the District's intent to disclose the record.
- 5.6 **Response to Request for Records** – The Records Officer, within five business days after receipt of the request (within fifteen business days of a patient's request for the patient's medical records) shall take one of the following actions:
1. In the event the Records Officer determines that the request requires clarification, the Records Officer shall acknowledge receipt of the request and ask the requester to clarify what record the requester is seeking. If the requester fails to clarify the request, the Records Officer shall provide no further response.
 2. In the event the Records Officer determines that a full response will take longer than five business days after receipt of the request the Records Officer shall acknowledge receipt of the request and provide a reasonable estimate of when the District will respond. The determination of the time required to respond to the request will be based on a consideration of the following factors:
 - Clarity of the request,
 - Time required to locate and assemble the information requested,
 - Time required to notify third persons or agencies affected by the request,
 - Time required to determine whether any of the information requested is exempt,
 - Time required to obtain the consent of a person identified in the record if consent is required by statute.
 - Current staffing levels and essential job functions that must be performed by staff prior to locating and assembling the record requested.
 - Volume of pending public records requests. The general policy of the District shall be to respond to records requests on a first come first serve basis. However, the Records Officer retains discretion to respond to requests out of order of receipt when such out of order responses are more efficient.
 - Impact on Essential Functions. The Records Officer has numerous duties in addition to responding to records requests that are essential to the effective operation of the District. In situations where the Records Retention Officer is unable to perform the essential duties and respond to all pending records requests, the Records Officer shall notify the Fire Chief to determine the appropriate action.
 3. Provide the record for inspection or provide a copy of the record if requested. For large requests the District shall attempt, where feasible, to release the records in reasonable installments as the records become available.

4. Deny the request.
 - All denials shall contain the information specified in Section 5.4.
 - Denials of a patient's request for the patient's medical records shall comply with the requirements specified in RCW 70.02.090.

5.7 Review of Denials

1. Any person who objects to the denial of a request to inspect or copy a public record may petition for a prompt review of the decision by submitting a written request for review to the Records Officer.
2. Upon receipt of a written request for review of a decision denying inspection or copying of a public record, the Records Officer shall refer it to the District's Review Authority. The Review Authority shall promptly review the matter and either affirm or reverse the denial. The final decision shall be rendered to the individual who requested the record within two business days after the review request.
3. In the event the request for the record or information from the record is made by an elected or appointed District official, the information is deemed to be needed for the proper performance of the official's duties and consent to the release of the information is required but cannot be obtained, the official shall be required to sign a confidentiality agreement before being allowed access to the requested information.
4. Administrative remedies shall not be considered exhausted until the District has returned the request with the decision or until a period of five business days has elapsed after the denial of the request or after the review of the initial denial.

5.8 **Fees** – In accordance with RCW 42.56.120, the District may charge fees to recover the costs of making and providing copies when fulfilling public records requests. The District shall maintain a fee schedule based on the rates established by RCW 42.56.120.
Reference: 3300A1, Public Records Fee Schedule

5.9 **Records Index** – The District may not maintain a complete current index which provides identifying information as to all of the records maintained by the District when, due to staffing and resource levels, the creation of a complete index would be unduly burdensome to the District.

6.0 Attachments

- Appendix: 3300A, Public Records Request Exemptions
- Appendix: 3300A1, Public Record Fee Schedule.
- Form: 3310F, Public Records Request Form