

<i>Title:</i> Public Records Disclosure Rules	<i>Resolution:</i> 06-23
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PURPOSE:

It is the intent of this policy to implement a consistent set of procedures for the purpose of providing access to Jefferson Transit's public records.

SCOPE:

This policy applies to any administrative employee charged with the responsibility of providing access to public records.

PROCEDURES:

See attached document.

Public Records Disclosure Rules for the Jefferson County Public Transportation Benefit Area (“Authority”) Incorporating the Attorney General Model Rules Effective March 2006

1. WAC 44-14-010. Authority and purpose.

- (1) RCW 42.17.260(1)/42.56.070(1) requires each agency to make available for inspection and copying nonexempt “public records” in accordance with published rules. The Act defines any “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. RCW 42.17.260(2)/42.56.070(2) requires each agency to set forth “for informational purposes” every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by the agency.
- (2) The purpose of these rules is to establish procedures that Jefferson Transit Authority 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 the Jefferson Transit Authority and establish processes for both requestors and Jefferson Transit Authority staff that are designed to best assist members of the public obtaining such access.
- (3) The purpose of the act is to provide the public full access to the information concerning the conduct of the government, mindful of individuals’ privacy rights and 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, the Jefferson Transit Authority will be guided by the provisions of the act describing its purposes and interpretation.

2. WAC 44-14-020. Agency description - Contact information - Public records officer.

- (1) Jefferson Transit Authority (“Authority”) is special purpose municipal corporation formed and authorized under RCW 36.57A of the Revised Code of Washington, and is authorized by law to provide transportation services and all necessary transportation properties to carry out this purpose. The Authority’s central office is located at 63 4 Corners Road, Port Townsend, WA 98368.
- (2) Any person wishing to request access to public records of the Jefferson Transit Authority, or seeking assistance in making such requests should contact the public records officer.
 - Public Records Officer: Clerk of the Authority.
 - Agency: Jefferson Transit Authority, 63 4 Corners Road, Port Townsend, WA 98368
 - Phone: (360)375-4777

- Fax: (360) 285-2321
- Email: Custserv@jeffersontransit.com
- Information is also available at the Jefferson Transit Authority web site at jeffersontransit.com

The public records officer will oversee compliance with the act but another transit Authority staff member may process the request. Therefore, these rules will refer to the public records officer “or designee.” The public records officer or designee and The Authority will provide the “fullest assistance: to requestors; ensure that the public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the Jefferson Transit Authority.

3. WAC 44-14-030. Availability of Public Records.

- (1) **Hours of inspection of records.** Public records are available for inspection and copying during normal business hours of the Jefferson transit Authority, Monday through Friday, 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Excluding legal holidays. Records must be inspected at the offices of the Jefferson Transit Authority.
- (2) **Records Index.** An index of public records is available for use by members of the public, including:
 - a. Index of all resolutions passed by the board;
 - b. Index of minutes of public meetings of the Jefferson Transit Authority Board (by each meeting’s agenda); and
 - c. Index of all Jefferson Transit Authority administrative staff manuals and personnel policies.
- (3) **Other Records.** The Board had determined that it would be unduly burdensome and would interfere with the agency operations to maintain an itemized index of all other Jefferson Transit Authority records, except as set forth above, due to its relatively small size and fiscal and personal limitations.
- (4) **Organization of Records.** The Jefferson Transit Authority will maintain its records in a reasonably organized manner. The Jefferson Transit Authority will take reasonable actions to protect records from damage and disorganization, a requestor shall not take Jefferson Transit Authority records from the Authority offices without the permission of the public records officer or designee. A variety of records are available on the Jefferson Transit Authority web site at jeffersontransit.com. Requestors are encouraged to view the documents available on the website prior to submitting a records request.
- (5) **Making a request for public records.**
 - a. Any person wishing to inspect or copy public records of the Jefferson Transit Authority should make the request in writing on the Authority’s

request from, or by letter, fax or email addressed to the public records officer and including the following information.

- Name of requestor;
 - Address of requestor;
 - Other contact information, including telephone number and any email address;
 - Identification of the public records adequate for the public records officer or designee to locate the records; and
 - The date and time of the day of the request.
- b. If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to section WAC 44-14-070 (No. 6 below), standard photocopies will be provided at fifteen cents per page.
- c. A form is available for use by requestors at the office of the public records officer and on-line at jeffersontransit.com
- d. The public records officer or designee 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 the receipt of the information and the substance of the request in writing.

4. WAC 44-14-040. Processing of Public Records Requests - General

- (1) **Providing “fullest assistance.”** The Jefferson Transit Authority 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 the 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) **Acknowledge receipt of request.** Within five business day of receipt of the requests, the public records officer will do one of the following:
- a. Make the records available for inspection or copying;
 - b. If copies are requested and payment of a deposit, for the copies, if any, is made or terms of payment agreed upon, send copies to the requestor;
 - c. Provide a reasonable estimate of when the records will be available; or
 - d. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or
 - e. Deny the request.

- (3) **Consequences of failure to respond.** If the Authority does not respond in writing within five business day 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 the rights of others.** In the event that the requested records contain information that may affect the rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others 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 and 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 the Jefferson Transit Authority believes that the record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or portion of the record is being withheld. If only a portion of the 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) Inspection of records.

- a. Consistent with other demands, the Authority shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the authority to copy.
 - b. The requestor must claim or view the assembled records within 30 days of the Authority's notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of the requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or view the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the Authority may close the request and refile the assembled records. Other public record requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.
- (7) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.
 - (8) **Providing records in installments.** When the request is for a large number of records, the public records offer or designee will provide access for large inspection and copying installments, if he or she reasonably determines that it would be practical to provide the records in that way. 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 remaining records and close the request.

- (9) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies provided, the public records officer or designee will indicate that the Authority has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
- (10) **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 Authority has closed the request.
- (11) **Later discovered documents.** If, after the Authority has informed the requestor that it has provided all available records, the Authority becomes aware of the 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.

5. WAC 44-14-060. 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 the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by the Authority for inspection and copying.
- (2) Other Laws. A list of possible “other statute” exemptions is posted on the web site of the Municipal Research Service Center at www.mrsc.org/Publications/prdpub04.pdf (scroll to Appendix C), which are hereby incorporated by reference as applicable.
- (3) The Authority is prohibited by statute from disclosing a list of individuals for commercial purposes.

6. WAC 44-14-070. Costs of providing copies of public records.

- (1) **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for fifteen cents per page or at such higher rate as may later be approved from time to time by state statute and regulations. Color copies will be billed at the Authority’s actual cost.

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. 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 and installment before providing that

installment. The Authority will not charge sales tax when it makes copies of the public records.

The Authority is not required to copy records at its own facilities. The Authority may send the project to a commercial copying center and bill the requestor for the amount charged by the vendor, or the Authority can arrange with the requestor for him or her to pay the vendor directly.

- (2) **Costs for electronic records.** The cost of electronic copies of records shall be the actual cost for information on a floppy disk or for information on a CD-ROM. The “actual cost” may include the costs “directly incident” to providing copies, such as disk costs and staff time to make the copies. In such cases the Authority will provide a statement of the factors and manner used to determine the actual costs.
- (3) **Costs of Mailing.** The Authority may also charge actual costs of mailing including the cost of the shipping container.
- (4) **Payment.** Payment may be made by cash, check or money order to the Jefferson Transit Authority.

7. WAC 44-14-090. 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 email) 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 provide the petition and any other relevant information to the Jefferson Transit Authority General Manager, who will immediately consider the petition and either affirm or reverse the denial within two business days following the Authority’s receipt of the petition, or within such other time as the Authority and the requestor mutually agree to.
- (3) **Judicial Review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.17.340/42.56.520 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.