

SPOKANE COUNTY FIRE DISTRICT 8

Policy

**P10.12.01
Public Records Policy**



Adopted: 01/09/2018

Board Chair: *[Signature]*

Commissioner: *[Signature]*

Commissioner: *[Signature]*

Policy: Public Records Policy

1. **Public Record.** Public records of Spokane County Fire District 8 include any writing containing information relating to the conduct or performance of any governmental or proprietary function prepared, owned, used or retained by the District. Public records do not include personal records of District employees or officials that may be in the possession of the employee or official or located in their office, lockers or living quarters.
 - a. Writing means handwriting, typewriting, printing, 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. RCW 42.56.010(4).
2. **Electronic Public Records.** Electronic public records of the District include all data compilation stored and retained on the District computers containing information relating to the conduct or performance of any governmental function prepared, owned, used or retained by the District. Electronic public records do not include personal materials entered or stored on District computers by employees and officials when using the computers for incidental personal use.
3. **Copy.** As used in this policy and procedure a “copy “of a record shall mean a duplicate of the record in the same media requested. A “copy” of an electronic stored record shall mean a printout of the record, or in the discretion of the District Records Retention Officer an electronic version in a commercially available format.
4. **Public Record Availability.** Spokane County Fire District 8 is committed to providing full access to public records in accordance with the Public Records Act. The District will provide requestors the fullest assistance and the timeliest actions possible while protecting public records from damage and preventing excessive interference with other essential agency functions. RCW 42.56.100.

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5. **Location of Records and Hours of Inspection and Copying.** Spokane County Fire District 8 public records are maintained at Station 82, 12100 E Palouse Highway, Valleyford, WA 99036-0345. More information about the District's offices is available at www.scfd8.org Public records are available for inspection and copying during the District's normal office hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Records may be inspected at District headquarters.
6. **Public Records Officer.** Spokane County Fire District 8 Fire Chief or his/her designee will be the Public Records Officer. The Fire Chief oversees the District's compliance with the Public Records Act although other District staff members may process public records requests.
7. **Requests for Public Records.** Public records may be inspected or copies obtained by members of the public as follows:
 - a. Requests should be made in writing by letter and/or submitting to the Fire Chief in person, or via U.S. mail, email, or fax, and shall include the following information:
 - i. The name, mailing address, email address, and telephone number of the person requesting the record.
 - ii. The time of day and calendar date on which the request is made.
 - iii. An identification of the records sufficient for the District to locate them. (NOTE: the purpose of the request need not be disclosed, except when necessary for the District to determine whether disclosure is exempt under RCW 42.56.070(9). RCW 42.56.080.)
 - b. The Public Records Officer may be contacted as follows:

Fire Chief
Spokane County Fire District 8
PO Box 345
12100 E Palouse Hwy
Valleyford, WA 99036-0345
Email: admin@scfd8.org

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The Fire Chief may accept requests by telephone or in person. However, if she/he accepts a verbal request, she/he will confirm receipt of the substance of the request in writing.

- c. The District will attempt to assist members of the public in appropriately identifying the public record they are requesting.
8. **Responses to Requests.** The District will process requests in the order allowing the most requests to be processed in the most efficient manner.
- a. Within five (5) business days of receiving a request, pursuant to RCW 42.56.520, the District will either:
 - i. 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.;
 - ii. Provide an internet address and link on the District's website to the record (if the requestor notified the District that he/she cannot access the record, the District will provide a copy;
 - iii. Acknowledge it has received the request and provide a reasonable estimate of when the record will be available;
 - iv. In the event the Records Retention Officer determines the request meets the statutory definition of a "bot request" the District may deny the request if responding to the request would cause excessive interference with other essential functions of the District; or
 - v. Deny the request.
 - b. In the event the Records Retention Officer determines that a full response will take longer than five business days after receipt of the request the Records Retention 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:
 - i. Clarity of the request,

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- ii. Time required to locate and assemble the information requested,
 - iii. Time required to notify third persons or agencies affected by the request,
 - iv. Time required to determine whether any of the information requested is exempt,
 - v. Time required to obtain the consent of a person identified in the record if consent is required by statute.
 - vi. Current staffing levels and essential job functions that must be performed by staff prior to locating and assembling the record requested.
 - vii. 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 Retention Officer retains discretion to respond to requests out of order of receipt when such out of order responses are more efficient.
 - viii. Impact on Essential Functions. The Records Retention 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 Retention Officer shall notify the Board of Commissioners to determine the appropriate action.
- c. If the request does not sufficiently identify a public record, the District will request clarification. When requesting a clarification, the District shall, to the greatest extent possible, also provide a reasonable estimate of the time it would take to produce the records if the request were not clarified. If the requestor fails to clarify, the District will treat the request as having been withdrawn. RCW 42.56.520. If a portion of a record is exempt and the remainder is not, the District will redact the exempt portion and disclose the remainder.
- d. In the event the record contains information that affects the privacy interest of a third party and the District reasonably believes that an argument could

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be made that the record is exempt, the District shall provide notice, in accordance with RCW 42.56.540, to the affected third party of the District's intent to disclose the record.

- e. Records may be made available on a partial or installment basis. If an installment is not timely claimed or paid for, the District will not fulfill the balance of the request. RCW 42.56.120.
 - f. Requestors must claim (and pay any applicable charges) or review assembled records within 30 days of the District's notification that the records are available. The District will notify requestors of this requirement. If a requestor fails to claim or review the records within 30 days or make other arrangements, the District may close the request. A subsequent request by the same person for the same record can be processed as a new request. *See* WAC 44-14-040(6)(b).
 - g. All denials and redactions of public records will be accompanied by a written statement specifying the reason(s) for the denial or redaction, including a statement of the specific exemption authorizing the withholding of information and a brief explanation of how the exemption applies. Denials of a patient's request for the patient's medical records will comply with the requirements of RCW 70.02.090.
9. **Medical Records.** Records containing individually identifiable health information regarding a District patient are subject to additional protections under chapter 70.02 RCW and HIPAA. Requests for medical records must be accompanied by the patient's consent or the requestor must identify the legal basis under which the District is authorized to release the record without patient consent. The District reserves the right to require appropriate picture identification prior to release of medical records.
10. **Fees.** The following charges shall be imposed to reimburse the District for costs incurred in providing public records. In the event the District is requested to mail copies an additional charge in the amount of the actual or estimated postage and the cost of the container shall be made.
- a. **General Records.** With the exception of medical incident reports the District shall charge a fee of fifteen cents per page for providing a photocopy or a printout of an electronic record. The District may also charge

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for the actual cost of any container or envelope used to deliver records and the actual cost of postage or delivery charges.

- b. **Electronic Records.** With the exception of medical incident report, If records are provided in electronic format the District shall charge a fee of ten cents per page for hard copies scanned into an electronic format and five cents for each four electronic files or attachments transmitted electronically and ten cents per gigabyte for transmitting electronic records. The District may also charge for the cost of the media on which the record is disclosed (CD, DVD, etc.).
- c. **Medical Incident Reports.** In accordance with chapter 70.02 RCW the District shall charge the rates established by the Department of Health (WAC 246-08-400), which until June 30, 2019 establishes a clerical fee for searching and handling requests for medical incident reports of \$26.00 for each report. In addition, the District shall charge \$1.17 per page for the first 30 pages and \$.88 per page for all additional pages of each report copied or printed out. The Records Retention Officer may waive copying fees as a matter of administrative convenience for small requests.
- d. **Video and Audio Tapes.** The District shall charge the actual cost it incurs in commercially duplicating audio or visual tape records.
- e. **Customized Service Charge.** The District may impose a customized service charge for requests that require the use of IT expertise beyond the level that can be met by staff. In the event District Records Retention Officer determines that IT expertise will be necessary to comply with the request, the District Records Retention Officer shall use the following procedures:
 - i. The District Records Retention Officer shall notify the requestor of the charge and shall provide an explanation of why the charge is necessary and shall provide a reasonable estimate of the charge. The requestor shall be provided an opportunity to amend the request to avoid the need for the charge.
- f. **Flat Fee.** The District may, in lieu of the fees set forth in Section 10, charge a flat fee of \$2.00 per request when such request is reasonably anticipated to generate costs in excess of \$2.00.

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- g. **Deposits and Installments.** The District may require a deposit of up to 10% of the estimated cost of copying records prior to copying records for a requestor. RCW 42.56.120. If the District releases records on a partial or installment basis, it will charge for each part of the request as it is provided.
 - h. **Fee Estimates.** The District may, and shall when specifically requested, provide a summary of the estimated applicable charges prior to producing the records and shall allow the requestor to revise the request to reduce the applicable charges.
 - i. **Waiver of Fees.** The District will waive the fees identified in this Section 10 in the event the total fee is estimated not to exceed \$2.00.
 - j. **Timing of Payment.** Full payment for copies must be received prior to delivery of the requested copies.
11. **Exemptions from Public Inspection and Copying.** Certain public records are exempt in whole or in part from public inspection and copying. RCW 42.56.230 through RCW 42.56.480 contain a number of exemptions.
- a. RCW 42.56.070(8) prohibits the District from disclosing lists of individuals for commercial purposes.
 - b. Public records are also exempt if any other statute exempts or prohibits disclosure. RCW 42.56.070(1).
 - c. Requestors should be aware of the following list of exemptions that may restrict the availability of public records. This list is not exhaustive.
 - i. RCW 42.56.230(3) Personal information in files maintained for employees, appointees, or elected officials to the extent disclosure would violate their right to privacy.
 - ii. RCW 42.56.240(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

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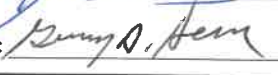
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- iii. RCW 42.56.250(1) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.
- iv. RCW 42.56.250(2) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
- v. RCW 42.56.250(4) Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employee or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records.
- vi. RCW 42.56.250(6) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.
- vii. RCW 42.56.280 Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action.
- viii. RCW 5.60.060(2)(a); RCW 42.56.290; CR 26(b)(4) Attorney-client privileged communications and attorney work product.
- ix. RCW 42.56.420 Vulnerability assessments and national security information.
- x. RCW 43.43.830 -.840; WAC 446-20-300 Background checks.
- xi. RCW 5.60.070 Court-ordered mediation records.

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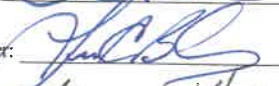
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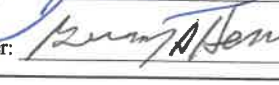
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- xii. RCW 42.56.600; RCW 7.07 Mediation communications under the Uniform Mediation Act.
- xiii. RCW 7.69A Child victims and witnesses.
- xiv. RCW 10.97 Criminal Records Privacy Act.
- xv. RCW 18.04.405 Confidentiality of information gained by CPA.
- xvi. RCW 26.26.450 Confidentiality of genetic testing.
- xvii. RCW 26.44 Records of child abuse and neglect.
- xxviii. RCW 27.53.070 Records identifying the location of archaeological sites.
- xix. RCW 40.14 Preservation and destruction of public records.
- xx. RCW 42.23.070 Municipal officer disclosure of confidential information prohibited.
- xxi. RCW 48.62.101 Local government insurance transactions.
- xxii. RCW 50.13 Employment security records.
- xxiii. RCW 51.28.070 Worker's compensation records.
- xxiv. RCW 51.36.060 Physician information on injured workers.
- xxv. RCW 51.48.040 Inspection of Employer Records by L&I
- xxvi. RCW 42.56.360(2); RCW 70.02 Medical Records.
- xxvii. RCW 74.34.095 Abuse of vulnerable adults – investigations and reports.
- xxviii. RCW 82.32.330 Disclosure of tax information.
- xxix. 42 USC § 290dd-2 Confidentiality of Substance Abuse Records.

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- xxx. 42 USC 405(c)(2)(vii) Limits on Use and Disclosure of Social Security Number.
 - xxxi. 42 USC § 12112 Americans with Disabilities Act.
 - xxxii. 45 CFR 160-164 Health Insurance Portability and Accountability Act (HIPAA).
 - d. In accordance with RCW 42.56.070(1), the District reserves the right to delete identifying details when it makes available any public record where disclosure would be an invasion of personal privacy protected by RCW 42.56.
 - e. In the event a record contains confidential information and public information, the District 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.
 - f. All redactions or exemptions 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.
12. **Review of Denials.** Any person who objects to the denial of a request to inspect or copy a public record may petition for a prompt review of such decision by submitting a written request for review.
- a. Upon receipt of a written request for review of a decision denying inspection or copying of a public record, the employee to whom the request was submitted shall refer it to Fire Chief. The Fire Chief shall immediately consider the matter and either affirm or reverse the denial. The final decision shall be rendered to the individual who requested the record within two (2) business days after the denial of the request.
 - b. Administrative remedies shall not be considered exhausted until the District has returned the request with the decision or until a period of two (2) business days has elapsed since the denial of the request.

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13. **Protection of Records.** In order to protect public records from damage and disorganization and prevent excessive interference with other essential District functions, the following requirements are adopted pursuant to RCW 42.56.100.

- a. Public records must be inspected in the presence of a designated District employee.
- b. Requestors may not remove public records from a viewing area.
- c. Public records may not be marked, altered, or defaced by a requestor.
- d. Access to file cabinets, shelves, and other District storage areas is restricted solely to District personnel.
- e. In order to maintain the security of the records as required by RCW 42.56.100, District computer hardware shall not be available to the public for review of electronic records.

14. **Record Request Log.** The Records Retention Officer shall maintain a log of public disclosure requests received by the District. The Log shall include the following minimum information.

- a. Identity of requestor if available;
- b. Date request received;
- c. Text of original request together with any clarifications received;
- d. Description of records produced
- e. Description of any records withheld or redacted and the reasons supporting the withholding or redaction; and
- f. The final disposition of the request.

15. **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.

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REQUEST FOR PUBLIC RECORDS

NAME OF REQUESTER: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ EMAIL ADDRESS: _____

NATURE OF REQUEST:

Identification of Records*:

Inspection Only: _____ Number of Copies Requested: _____

I declare under penalty of perjury under the laws of the State of Washington that I do not intend to use any list of individuals that may be covered by this request for commercial purposes.

Signature: _____ Date: _____

*If the identified records include medical records of a District patient, you must also attach a patient authorization form. If you do not have the patient's consent, the records will be redacted unless you identify the legal basis under which patient consent is not required.

=====

For Office Use Only:

Request Granted _____ Record Withheld _____ Record Withheld in Part _____

If consent is needed, the name of individual: _____

If withheld, identify the exemption contained in Chapter 42.56 RCW or other applicable statute that authorizes the withholding of the record or part of record:

If withheld, explain how the exemption applies to the record withheld:

Signature _____ Date Complete: _____ Time _____