

## ADMINISTRATIVE POLICY # 33

### SUBJECT: PUBLIC RECORDS REQUESTS

It is the policy of Public Utility District No. 1 of Franklin County (the District) to release District records in compliance with the Public Records Act (the "Act") Chapter 42.56 RCW, and any other applicable provisions of federal or state law.

#### SECTION I. PURPOSE

The purpose of this policy is to describe the organization of the District and comply with 42.56 RCW, the Public Records Act. Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on the District. The District reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time.

This policy shall be available at the District's Main Office.

##### **A. Definitions**

1. "Act" refers to the Public Records Act, at Chapter 42.56 RCW.
2. "District" refers to Public Utility District No. 1 of Franklin County
3. "Main Office" is defined in Section II. of this Policy.
4. "Policy" refers to this policy for the Public Records Act.
5. "Public Records Officer" is the employee to whom a Records Request is submitted.
6. "Records Request" means a request for Public Records made to the District pursuant to the Act.
7. "Requester" means the person or entity that has made a Records Request to the District.

#### SECTION II. ORGANIZATION OF THE DISTRICT

District's Main Office is located at 1411 West Clark Street, Pasco, Washington 99302.

The District consists of one administrative office and two operational centers and is governed by a Board of Commissioners.

The hours of operation of the Main Office are from 8:00 am to 5:00 pm Monday through Friday, except normal business holidays.

## SECTION III. GUIDELINES FOR REQUESTING PUBLIC RECORDS

### **A. Any person wishing to request access to public records or seeking assistance in making such a request should contact the Public Records Officer of the District:**

Public Records Officer  
Franklin PUD  
1411 West Clark Street  
PO Box 2407  
Pasco, WA 99302-2407  
Phone 509-547-5591  
Fax 509-547-4116  
publicrecordsofficer@franklinpud.com

Information is also available at the District's Web site at <http://www.franklinpud.com>.

### **B. How to Make a Public Records Request**

Public records are available for inspection and copying during hours of operation of the District at its Main Office upon compliance with the following procedures:

1. The District encourages that all requests be made in writing and directed to the Public Records Officer. A Request for Public Records form is available at the Main Office. The completed form may be mailed, or delivered in person to the Main Office. In-person requests must be made during the Main Office's normal business hours. The request should include the following information:
  - The name and address of the Requester;
  - The date of the request;
  - A detailed description of the public record being requested;
  - Whether the Requester wants copies, or wants to inspect the requested records;
  - The address where copies are to be mailed if copies are requested;
  - A statement regarding whether the records are being requested for a commercial purpose; and
  - Signature of the Requester.
2. When a Records Request is made orally, the District should confirm the request in writing in its initial 5-day response. Any such request must be made during the Main Office's normal business hours.
3. Special procedures for requests for customer records by law enforcement authorities.

When law enforcement authorities request customer records, in addition to the information listed in Section III.B.1 above, the law enforcement authority must also provide the District with a written statement in which the authority states that it suspects that the particular person to whom the records pertain has committed a crime and the authority has a reasonable belief that the records could determine or help determine whether the suspicion might be true. Law enforcement authorities may use the District's Public Records Request

by Law Enforcement Agency form for the request. Nothing in this requirement shall create any right to privacy in customer records.

### **C. Procedure to Process a Request**

Only Public Records as defined by RCW 42.56.010 are subject to disclosure.

1. The District will respond promptly to a Records Request. Within five business days of receiving a Records Request, the District will:
  - a. Notify the Requester that the documents are available; or
  - b. Acknowledge the request in writing and provide a reasonable estimate of time when the records will be available; or
  - c. Notify the Requestor that the Records Request is denied.
2. When a Records Request is for a large volume of records, the District may provide the records on an installment basis. If a Requester does not contact the Public Records Officer within 15 business days to arrange for the review of the first installment, the District will assume that the request has been abandoned and stop fulfilling the remainder of the request.
3. If a public record contains personal information that identifies an individual or organization other than the subject of the requested public record, the District may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. The District may take this into account when providing an estimate for when the records will be available. The District should also review any contracts with third parties that may contain special notice provisions. Nothing in this policy is intended to create any right to such notice.
4. If the District does not respond in writing within five business days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:
  - a. Consider the request denied; and
  - b. Petition the Public Records Officer.

### **D. Exemptions of Public Records**

1. After the requested records have been gathered, the District will determine whether any exemptions apply to all or part of the records. The District doesn't need to make available for inspection and copying Public Records exempt from public inspection and copying under Chapter 42.56 RCW and other records exempt from public inspection and copying under state or federal statute or regulation. Such records, among others, include:
  - a. Records that are protected by trade secrets law;
  - b. Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

- c. Residential customers' phone numbers, addresses, social security numbers and financial information such as credit card numbers and checking account numbers;
  - d. Personal information in files maintained for board members and District employees to the extent that disclosure would violate their right to privacy, including but not limited to addresses, phone numbers, social security numbers, voluntary deductions, marriage status, number of dependents, and any garnishment deductions;
  - e. Preliminary drafts, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the board in connection with any board action;
  - f. All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;
  - g. The residential addresses and telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers; or
  - h. Any record which is exempt from disclosure under state or federal law.
2. If a customer wishes to have the District verify his or her address, the customer will provide the District a statement in writing giving authorization to provide that verification. This authorization will apply to all requests for verification, unless the authorization is specific to particular requesters.

### **E. Copying Public Records**

There is no charge for inspecting Public Records.

- 1. A cost of fifteen cents per page for regular size black-and-white copies will be charged,, and
- 2. The actual cost for copying any non-standard copies or items will be charged, including the cost of staff time to make the copies at a rate of \$23.00 per hour; and
- 3. If a vendor is hired to make the copies, the cost for making the copies and taxes will be charged; and
- 4. Postage and shipping costs will be charged, including the cost of any containers used in shipping.
  - i. The District may elect to waive these charges. Charges will be waived when the expense of billing exceeds the cost of copying and postage.
  - ii. Before copying any record, the District may charge a deposit up to 10% of the estimated costs. When records are being produced on an installment basis, the District may charge for each installment. The decision not to request a deposit is not a waiver of the District's right to request a deposit for a future request. If an installment is not claimed and paid for within 15 business days, the District is not obligated to fulfill the balance of the Records Request.

## **F. Inspection of Records**

1. Once the Public Records Officer has collected all responsive records (or the first installment if the records are being produced on an installment basis), has reviewed the responsive records to remove exempt records, and has prepared an exemption log, the Public Records Officer will notify the Requester that the records are available.
2. If the Requester does not contact the Public Records Officer to arrange for payment of the copies or for review of the records within 15 business days after the Notice of Availability Letter was sent, the District may consider the Records Request abandoned, unless the Requester seeks an additional amount of time to review the records.
3. In order that Public Records maintained on the premises of the District may be protected from damage or disorganization as required by the Act, the following procedures and practices apply:
  - a. Public Records will not be removed from District's Main Office without the Public Records Officer's permission;
  - b. Inspection of any Public Records will be carried out in the presence of the Public Records Officer or designee;
  - c. Public records will not be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from their proper location or order by a member of the public;
  - d. Public records maintained in a file jacket or binders, or in chronological order, will not be dismantled except for the purpose of copying, and then only by District staff; and
  - e. Public records of the District will be copied on the District's copiers unless other arrangements are made by the Public Records Officer.
  - f. Inspection will be denied and the records withdrawn by the Public Records Officer if the Requester, when reviewing records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the District.
4. Once all copies of the requested records have been provided to the Requester, the Requester has reviewed the requested records, or 15 business days have passed since the Requester was notified that the records were available and the Requester has failed to contact the Public Records Officer to arrange to review those records or for payment for copies, the Public Records Officer shall treat the request as closed.

## **G. Index of Public Records**

For the reasons stated in Resolution No.1085 incorporated herein by reference, the District finds that it would be unduly burdensome and would interfere with District operations to maintain an index of records. The District will make available for public disclosure all indices which may at a future time be developed for District use.

## H. Disclaimer of Liability

Neither the District nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public Records if the employee releasing the records acted in good faith in attempting to comply with this policy.

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" or "will" nothing in this policy is intended to impose mandatory duties on the District beyond those imposed by state and federal law.

By: \_\_\_\_\_  
Jean Ryckman, Manager

Date: \_\_\_\_\_

Issued: 12-11-07