

WRITTEN DIRECTIVES

DIRECTIVE: 01.003

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CALEA Standard: 1.2.2-a, 2.3.3-c & 6.7.1

SUBJECT: PUBLIC RECORDS ACT

A. AUTHORITY AND PURPOSE

1. The Revised Code of Washington (RCW) 42.56.070(1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules.
 - a. The act defines "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.
 - b. RCW 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 that agency.
2. The purpose of these rules is to establish the procedures Clark Regional Emergency Services Agency (CRESA) 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 CRESA and establish processes for both requestors and CRESA staff that are designed to best assist members of the public in obtaining such access.
3. The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of 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, CRESA will be guided by the provisions of the act describing its purposes and interpretation.

B. AGENCY DESCRIPTION — CONTACT INFORMATION — PUBLIC RECORDS OFFICER

1. CRESA is a regional public safety service provider of 9-1-1 Public Safety Dispatch, Emergency Management coordination, and coordination of Region IV Homeland Security, oversight of the Clark County Emergency Medical Service District #2 exclusive ambulance contract, and the operation and maintenance of the regional governmental radio system.

2. CRESA's central office is located at 710 West 13th Street in Vancouver Washington.
3. Any person wishing to request access to public records of CRESA, or seeking assistance in making such a request should contact the public records officer of CRESA:

Debbie Butchard
Clark Regional Emergency Services Agency
710 West 13th Street
Vancouver, WA 98660
Phone number: 360-737-1911 X3966
Fax number: 360-694-1954
E-mail address: Debbie.butchard@clark.wa.gov

4. Information is also available at the CRESA's web site at CRESA911.org
5. The public records officer will oversee compliance with the act but another CRESA staff member may process the request. Therefore, these rules will refer to the public records officer "or designee."
6. The public records officer or designee and CRESA will do the following:
 - a. Provide the "fullest assistance" to requestors.
 - b. Create and maintain for use by the public and CRESA officials an index to public records of CRESA.
 - c. Ensure that public records are protected from damage or disorganization.
 - d. Prevent fulfilling public records requests from causing excessive interference with essential functions of CRESA.

C. AVAILABILITY OF PUBLIC RECORDS

1. Public records are available for inspection and copying during normal business hours of CRESA, e.g., Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays). Records must be inspected at the offices of CRESA.
2. An index of public records is available for use by members of the public. The index may be accessed on-line at CRESA911.org. or can be located at the end of this document and identified as "Attachment B".

3. A requestor shall not take CRESA's records from CRESA's offices without the permission of the public records officer or designee.

D. MAKING A REQUEST FOR PUBLIC RECORDS

1. A variety of records is available on the CRESA's web site at CRESA911.org. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.
2. Any person wishing to inspect or copy public records of CRESA should make the request in writing on the CRESA request form, or by letter, fax, or e-mail addressed to the public records officer and including the following information:
 - a. Name of requestor
 - b. Address of the requestor
 - c. Other contact information, including telephone number and any e-mail address
 - d. Identification of the public records adequate for the public records officer or designee to locate the records
 - e. The date and time of day of the request
3. 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 G, standard photocopies will be provided at \$0.15 cents per page.
 - a. The copying charge under \$1.00 will be waived.
4. A form is available for use by requestors at the office of the public records officer and on-line at CRESA911.org.
5. 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 receipt of the information and the substance of the request in writing.

E. PROCESSING OF PUBLIC RECORDS REQUESTS

1. **Providing "Fullest Assistance."** CRESA 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 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. **Acknowledging Receipt of Request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:
 - a. Make the records available for inspection or copying.
 - b. If copies are requested and payment has been received, send the copies to the requestor.
 - c. Provide a reasonable estimate of when records will be available.
 - i. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor.
 - ii. 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.
 - d. Deny the request.
 - e. If CRESA does not respond in writing within five business days 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.
3. **Protecting Rights of Others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure.
 - a. 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.

- b. Or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.
 - i. This notice most often occurs when a record may be exempt under RCW 42.56.240(1), Investigative Records exemption, which allows nondisclosure if essential for effective law enforcement, or to protect an individual's rights to privacy; or RCW 42.56.230(2), which protect employee's privacy rights. In cases where an exemption may apply or personal privacy may be at issue, CRESA may provide notice to the third party. Often the third party is one of the following governmental agencies:
 1. Clark County Prosecutor's Office
 2. City Attorney's Office of Vancouver, Camas, Washougal, Battle Ground, Ridgefield, and La Center.
 3. Law Enforcement Agencies such as Clark County Sheriff's Office, and Vancouver, Camas, Washougal, Battle Ground, La Center and Ridgefield Police Department.
 4. Other agencies as deemed appropriate.
 - ii. Before sending the notice CRESA should have a reasonable belief that the record may be exempt.
 - iii. The Notice to the third party will ordinarily contain the following:
 1. A statement that release of the record will occur on the stated date unless the third party seeks or obtains an order from a court enjoining release.
 - a. CRESA will provide a reasonable time, which is normally at least 10 business days before the release will occur.
 2. A copy of the request.
 3. A copy or description of the record requested.
 4. Advisement to the third party to name the requestor as a party to any action to enjoin disclosure.

- a. This is necessary as the requester has an interest in any legal action to prevent disclosure of the records requested.
 - c. If an injunction action is filed CRESA shall inform the requester of the action to allow the requestor to intervene, if the requestor is not already a party to the action.
- 4. **Records Exempt from Disclosure.** Some records are exempt from disclosure, in whole or in part. If CRESA believes that a record is exempt from disclosure and should be withheld, the public records officer will do the following:
 - a. State the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld.
 - i. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.
- 5. **Inspection of Records.** Consistent with other demands, CRESA shall promptly provide space to inspect public records.
 - a. The requestor must claim copies requested or review the assembled records within thirty days of CRESA's notification to him or her that the records are available for inspection or copying.
 - i. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records.
 - b. No member of the public may remove a document from the viewing area or disassemble or alter any document. Files must be maintained in their original order.
 - c. The requestor shall indicate which documents he or she wishes the agency to copy. The requestor may request that copies be mailed, but will be responsible for making arrangement for payment of copying and postage costs prior to mailing.
- 6. **Providing Copies of Records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

7. **Providing Records in Installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way.
 - a. 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 the remaining records and close the request.
8. **Completion of Inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that CRESA has completed a diligent search for the requested records and made any located nonexempt records available for inspection.
9. **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 CRESA has closed the request.
 - a. 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, CRESA may close the request and re-file the assembled records.
 - b. Other public records 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.
10. **Later-discovered documents.** If, after CRESA has informed the requestor that it has provided all available records, CRESA becomes aware of 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.

F. 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 CRESA for inspection and copying:

- a. The Health Care Information Act generally prohibits the disclosure of medical information by health care providers without the patient's consent, RCW 70.02.020(1).
- b. The attorney-client privilege statute, RCW 5.60.060 (2) (a) exempt's confidential communications between an attorney and client. The Public Records Act also recognizes an exemption for records relating to a "controversy" which means completed, existing, or reasonably anticipated litigation involving the agency, when such records are not subject to discovery under court rules. This exemption includes documents protected as "work product", which are those documents prepared in anticipation of litigation by a party or a party's representative (attorney, consultant, insurer or agent).
- c. Those portions of records containing specific and unique vulnerability assessments or specific and unique response plans, either of which is intended to prevent or mitigate criminal terrorist acts as defined in RCW 70.74.285, and public disclosure of which would have substantial likelihood of threatening public safety, RCW 42.56.420.
- d. Documentation as specified in the Federal "Emergency Planning and Community Right-To-Know Act of 1986."
- e. Documentation as specified in "The Chemical Safety Information, Site Security and Fuels Regulatory Relief Act of 1999."
- f. Lists of individuals for commercial purposes, unless specifically required by law.

G. COSTS OF PROVIDING COPIES OF PUBLIC RECORDS

1. There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for \$0.15 cents per page.
2. 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.
3. 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 an installment before providing that installment.

4. CRESA will not charge sales tax when it makes copies of public records.
5. CRESA may also charge actual costs of mailing, including the cost of the shipping container.
6. Payment may be made by exact cash, check, or money order to Clark Regional Emergency Services Agency.

H. 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 e-mail) 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 Agency's Assistant Director. The Assistant Director will do the following:
 - a. Immediately consider the petition and either affirm or reverse the denial within two business days following CRESA's receipt of the petition.
 - b. Within such other time as CRESA 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 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

I. TRAINING

1. The act is complicated, and compliance requires training. Training can be the difference between a satisfied requestor and expensive litigation.
2. The Agency shall provide on-going training to the following agency staff members:
 - a. All agency managers, supervisors and the public records officer of CRESA shall attend the "Public Records Disclosure for Law

Enforcement and Communications Agencies” conducted by Washington Cities Insurance Authority.

- b. The Agency public records officer shall receive on-going training yearly. Applicable information learned will be shared with other agency staff members.
- c. All agency employees shall receive basic training on public records compliance and record retention.

ATTACHMENT A

COPYING COSTS OF AGENCY PUBLIC RECORDS

Effective January 1, 2007

1. Agency copying fee for documents is \$0.15 per copy plus tax. Postage and a special mailing envelope, if required are additional. [RCW 42.56.070(8)].
2. The copying charge under \$1.00 will be waived.
3. Copies of material whose size requires commercial copying will be charged at the actual commercial cost of such copies.
4. Copies of the audio of 9-1-1 radio and telephone traffic are charged at \$25.00 per hour to the nearest quarter hour for recording it on an audio media device. Postage and a special mailing envelope, if required are additional.
 - a. Hourly costs are determined by employee salary and Agency paid benefits. (RCW 42.56.070(7) (b)).
5. The Agency will annually review and revise as necessary the actual costs for these services to insure the Agency complies with RCW 42.56.070(7).

ATTACHMENT B

CRESA'S PUBLIC RECORDS INDEX

1. CRESA Administration
 - a) Administrative Board Meeting Agendas
 - b) Administrative Board Meeting Minutes
 - c) Director's Monthly Report
 - d) Agency Monthly Claims
 - e) Agency Monthly Budget Reports
 - f) Agency Resolutions and accompanying staff report
 - g) Agency Written Directives Manual
 - h) Agency Annual Budget
 - i) Agency Annual Report
 - j) Agency Five-Year Strategic Plan
 - k) CALEA Accreditation Files

- l) Staff and Consultant Reports
 - m) Agency Procedures Manual
 - n) Agency Salary Schedule
 - o) Annual Financial Statement
 - p) Annual Audit Report
 - q) Agency Insurance Policies
2. 9-1-1 Operations
- a) Monthly Call Summary
 - b) Monthly Citizen Satisfaction Survey
 - c) CAD System Premise History
 - d) CAD System Call Events
 - e) Radio Traffic (Audio copy)
 - f) 9-1-1 Telephone calls (Audio copy)
 - g) Mobile Data Computer Traffic
3. Emergency Management
- a) Situation Reports
 - b) News Releases
 - c) Emergency Proclamations (Coordinated with County and Cities)
 - d) Incident Logs
 - e) Damage Report
 - f) Various Emergency Information Management System Reports
 - g) Search and Rescue Forms
 - h) Comprehensive Emergency Management Plans
 - i) Hazardous Materials Emergency Response Plan
 - j) Emergency Plans for Tier II Regulated Facilities
 - k) SARA Title III (Tier II – Sect. 312) Reports of Hazardous Materials Storage
 - l) Risk Management Plans
 - m) Material Data Sheets
 - n) Inventory Forms
 - o) Toxic Chemical Release Forms
4. Emergency Medical Services District #2
- a) EMSAB Meeting Agendas
 - b) EMSAB Meeting Minutes
 - c) EMSAB Monthly Report
 - d) EMSAB Monthly Claims
 - e) EMSAB Monthly Budget Reports
 - f) EMSAB Resolutions and accompanying staff report
 - g) EMS Annual Budget
 - h) EMS Salary Schedule
 - i) EMS District #2 Ambulance Contract

Homeland Security

- a) Region IV Council Meeting Agendas
- b) Region IV Council Meeting Minutes
- c) Region IV Council Staff Reports
- d) Region IV Budget Reports
- e) Region IV Vendor Contracts
- f) UASI Budget Reports
- g) UASI Intergovernmental Agreements
- h) UASI Project Reports

