



## City of Federal Way Public Records Policy

### 1. Purpose

The Public Records Act (“PRA”), Chapter 42.56 of the Revised Code of Washington (“RCW”), requires public agencies make identifiable, non-exempt public records available for inspection and copying upon request and to publish rules of procedure to inform the public how to access to public records will be accomplished. The intent of the following Public Records Policy is to outline the rules and procedures allowing the public access to identifiable, non-exempt public records in a timely manner.

### 2. Designation of Public Records Officers

The City Clerk shall serve as the Public Records Officer for all City records except those maintained by the Federal Way Police Department (“FWPD”). The Civilian Operations Manager of the FWPD shall service as the Public Records Officer for all records maintained by the FWPD. All requests for public records should be made as follows:

	<b>For City Records:</b>	<b>For Police Records:</b>
<b>In person:</b>	City Clerk Federal Way City Hall 33325 8 <sup>th</sup> Ave. South Federal Way, WA 98003	Civilian Operations Manager Federal Way Police Department 33325 8 <sup>th</sup> Ave S Federal Way, WA 98003
<b>By mail:</b>	City Clerk ATTN: Public Records Request 33325 8 <sup>th</sup> Ave. South Federal Way, WA 98003	Civilian Operations Manager ATTN: Public Records Request 33325 8 <sup>th</sup> Ave. South Federal Way, WA 98003
<b>By Phone:</b>	Phone: 253-835-2540	Phone: 253-835-6700
<b>By Fax:</b>	Fax: 253-835-2509	Fax: 253-835-6898
<b>Online:</b>	Many public records are available to view on the City’s website, <a href="http://www.cityoffederalway.com">www.cityoffederalway.com</a> , at no cost. Examples of documents available online: <ul style="list-style-type: none"><li>▪ The Federal Way Revised Code</li><li>▪ City Ordinances and Resolutions</li><li>▪ Contracts and Agreements</li><li>▪ City Council Agendas and Minutes</li><li>▪ City Council Committee Agendas and Minutes</li><li>▪ City Commission Agendas and Minutes</li></ul>	

### 3. Role of Public Records Officer

The role of the Public Records Officer is to:

- Oversee compliance with the [PRA](#), Chapter 42.56 RCW
- Coordinate response to requests with departments and offices
- Provide most timely possible and efficient action on requests
- Fulfill requests without excessive interference with city business
- Protect public records from damage or disorganization

### 4. Public Records Request Form

A records request may be accepted in any format presented, including a verbal request (in person or via phone) or written request (in any format). To facilitate the acceptance and routing of requests the city has prepared a public records request form and encourages requestors to complete the form (attached Exhibit A) or utilize the online request module found on the city's website at:

<http://www.cityoffederalway.com/page/public-records-request-information>

**Legally, public records requests are only required to include a description of requested records adequate to locate the records.** Ideally, requests will have additional helpful information such as name (requests may be anonymous), address, and contact information for requestor.

### 5. Response to Public Records Requests

Within five business days of receipt of the request, the Public Records Officer or designee will do one or more of the following:

- Make the records available for inspection
- Provide copies of records, along with fees due if any
- Provide the requestor a link to records posted on the City website
- Acknowledge that the request has been received and provide a reasonable estimate of when records will be available
- Contact the requestor via phone, fax, email or mail seeking clarification on the request
- Deny the request

For large requests, the City may provide records in installments. The Public Records Officer or designee may seek clarification and ask the requestor to prioritize the request so the most important records are provided first.

#### **Requestor Response:**

The Public Records Officer (with approval from the City Attorney) **may** close a request after written notification to the requestor if:

- After 30 days a request remains legally unclear and the requestor has not responded to the city's request for clarification,
- Responsive documents are ready for pick-up or review and have been left abandoned or un-claimed for 30 days or longer after notification has been given, or
- Payment has not been received after 30 days from the payment notification.

## 6. Access to Public Records

### **Hours for inspection:**

Public records are available for inspection at City Hall during the City's normal business hours: Monday through Friday, 8:00 am to 5:00 pm, excluding legal holidays. City staff and the requestor may make mutually agreeable arrangements for inspection of records. The City is only required to make records available and has no duty to explain their meaning or answer questions. A requestor shall not be permitted to take City records from City offices.

### **Online Records:**

As indicated in Section 2, above, a variety of public records are available to view on the City's website: [www.cityoffederalway.com](http://www.cityoffederalway.com). The PRA allows the City to respond to a request by providing the requestor with a link to the City's web site containing an electronic copy of that record if it can be determined that the requestor has internet access.

The city cannot charge for records routinely posted on the website unless requestor asks for copies through other means.

## 7. Fees & Payments for Public Records:

Cost for copies of public records shall be in accordance with the statutory default fees as outlined in RCW 42.56. Common fees are as follows\*:

- |                                  |                         |
|----------------------------------|-------------------------|
| • Photocopies, black & white     | \$0.15 per page         |
| • Photocopies, color             | \$0.15 per page         |
| • Scanning                       | \$0.10 per page         |
| • Digital Files or attachments   | \$0.05 per 4 files      |
| • Gigabyte of Electronic Records | \$0.10 per transmission |
| • Storage Media or Container     | Actual Cost             |
| • Postage and/or Delivery Fees   | Actual Cost             |
| • Certified Copies               | \$5.00                  |

\*Charges can be combined if more than one type of charge applies.

If the City pays an outside firm to duplicate records, the actual cost will be passed on to the requestor.

If the requestor would prefer to have the record in a specific format that is different from the format in which the City maintains the record, the City may charge for the additional expense to convert the record to the specified/preferred format.

### **Deposit or Payment by installments:**

Before copying records, the Public Records Officer or designee may require a deposit of up to ten-percent of the estimated costs of copying the responsive documents. The Public Records Officer may also require the balance of the copying costs before providing all the records or the balance of an installment before providing each installment.

### **Accepted Methods of Payment:**

Payment may be made by cash, credit card, check or money order payable to the City of Federal Way.

**Waiver of copying charges:**

The Public Records Officer has the discretion to waive the copying charges for small requests (up to ten pages), or for individuals or government agencies doing business with the City if the Public Records Officer determines that this action is in the best interest of the City.

**8. Records Index**

The City is comprised of numerous departments, divisions and subdivisions. Many of these departments and divisions maintain separate databases and/or systems for indexing records. Because the City has diverse, complex records stored in multiple locations and in multiple databases, there is not one complete records index available for review. Pursuant to and consistent with RCW 42.56.070(4) it has been deemed overly burdensome to create, maintain and make available one index containing all public records.

The City Clerk will, however, index and maintain those general administrative records contained on the City's website [www.cityoffederalway.com](http://www.cityoffederalway.com).

**9. Retention of Records**

The City is not required to retain all records it creates or uses. The State Attorney General's Local Records Committee approves a records retention schedule for local governments that is common to most agencies. The City of Federal Way adheres to this schedule for retention and destruction of records. The retention schedule for local agencies is available at [www.sos.wa.gov/archives](http://www.sos.wa.gov/archives).

**10. Records Exempt from Disclosure**

**Exemptions:**

The City adopts by reference the exemptions from public disclosure contained in the PRA, Chapter 42.56 RCW, including any future amendments thereto or recodification thereof, along with any other exemption or exception to the PRA provided by law.

The City will NOT disclose lists of individuals for commercial purposes.

**List of Exemptions are attached to this policy as Exhibit B**

**Redactions:**

If only a portion of a record is exempt from disclosure, the Public Records Officer or designee will redact the exempt portions before providing the document, and will also include a redaction log.

**11. 3<sup>rd</sup> Party Notification**

If the requested records contain information that may affect the rights of others, prior to providing the records, the Public Records Officer or designee may give notice and allow time for action by other parties.

**12. Administrative Review of Denial**

Any person who objects to the initial denial or partial denial of a records request may send a written petition to the Public Records Officer to have any disclosure denial reviewed. The petition shall identify the written statement by the Public Records Officer or designee denying the request.

The Public Records Officer or designee will promptly provide the petition and any other relevant information to the City Attorney or designee to conduct the review. The City Attorney or designee will consider petitions and affirm or reverse the denial within two business days following the City's receipt of the petition for administrative review.

### **13. Disclaimer of Liability**

Neither the City 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 person releasing the records acted in good faith in attempting to comply with this policy.

The 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," nothing in this policy is intended to impose mandatory duties on the City beyond those imposed by state and federal law.



# PUBLIC RECORDS REQUEST FORM

EXHIBIT A

## City Clerk's Office

33325 Eighth Avenue South ■ Federal Way, WA 98003

PHONE: 253-835-2540 ■ FAX: 253-835-2509

[www.cityoffederalway.com](http://www.cityoffederalway.com)

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

Mailing Address: \_\_\_\_\_ City & Zip Code \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Prefer to be contacted by:  Phone  E-mail

Location of the Record(s) Requested, if known (check all that apply):

- |                                                                    |                                                 |                                                         |
|--------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Administration/Mayor's Office             | <input type="checkbox"/> Information Technology | <input type="checkbox"/> Public Works (Engineering/SWM) |
| <input type="checkbox"/> Community Development (Planning/Building) | <input type="checkbox"/> Municipal Court        | <input type="checkbox"/> Performing Arts & Event Center |
| <input type="checkbox"/> Finance Department                        | <input type="checkbox"/> Parks Department/FWCC  | <input type="checkbox"/> Police Department              |
| <input type="checkbox"/> Human Resources                           | <input type="checkbox"/> Other: _____           |                                                         |

Title and Date (date range) of the requested record(s), if known:

\_\_\_\_\_  
Please provide specific description of the requested record(s) and any additional information that will help identify the records you are requesting:  
\_\_\_\_\_  
\_\_\_\_\_

**CHECK ONE:**

- I wish to make an appointment to review the records before copies are made.
- I wish to have copies/duplicates of the records requested and understand charges may apply per RCW 42.56.
- I wish to have the documents scanned transmitted electronically either via email or uploaded to the city's FTP site, if possible and understand charges may apply as outlined in RCW 42.56.

By signing below:

- I understand that if a list of individuals is provided to me by the City of Federal Way such list may not be used for commercial purposes as prohibited by RCW 42.56.
- I understand I will be charged a copy/scan fee of no more than what is allowable under RCW 42.56.
- I also acknowledge the city may provide records on a partial or installment basis and may charge ten percent (10%) of the estimated cost of duplicating the requested records.

X \_\_\_\_\_  
*Signature of Requestor* \_\_\_\_\_  
*Date*

Date Received:	PDA/Tracking #:	Fees:	Date Closed:
_____	_____	_____	_____

THIS PUBLIC RECORDS REQUEST FORM ITSELF CONSTITUTES A PUBLIC RECORD AND IS SUBJECT TO PUBLIC DISCLOSURE.



## LIST OF EXEMPTIONS TO DISCLOSURE OF PUBLIC RECORDS

For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption. RCW 42.56.070 (2).

### WASHINGTON STATE STATUTES

<u>RCW</u>	<u>TITLE</u>
RCW 2.64.111	Documents regarding discipline and retirement of judges
RCW 2.64.113	Confidentiality - violations
RCW 4.24.550	Information on sex offenders
RCW 4.24.601 and .611	Trade secrets and confidential research, development or commercial information regarding products or business methods
RCW 5.60.060	Privileged communications
RCW 5.60.070	Court-ordered mediation records
RCW 7.68.140	Victims' compensation claims
RCW 7.69A.030(4)	Child victims and witnesses - protection of identity
RCW 7.69A.050	Rights of child victims and witnesses - addresses
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 9.02.100	Reproductive privacy
RCW 9.41.097(2)	Mental health information regarding persons buying pistols or applying for concealed pistol licenses
RCW 9.41.129	Concealed pistol license applications
RCW 9.51.050	Disclosing transaction of grand jury
RCW 9.51.060	Disclosure of grand jury deposition
RCW 9.73.090(1)(c)	Prohibition regarding specified emergency response personnel
RCW 9.73.230	Name of confidential informants in written report on wire tapping
RCW 9A.44.139	Offender registration information given to high school or institution of higher education regarding an employee or student
RCW 9A.82.170	Financial institution records - wrongful disclosure
RCW 10.27.090	Grand jury testimony/evidence
RCW 10.27.160	Grand jury reports - release to public only by judicial order
RCW 10.52.100	Records identifying child victim of sexual assault
RCW 10.77.210	Records of persons committed for criminal insanity
RCW 10.97.040	Criminal history information released must include disposition
RCW 10.97.050	Conviction and criminal history information
RCW 10.97.060	Deletion of certain criminal history record information. conditions
RCW 10.97.070	Disclosure of identity of suspect to victim
RCW 10.97.080	Inspection of criminal record by subject
RCW 10.97.130	Information about victims of sexual assault under age eighteen
RCW 10.101.020(3)	Information given by an accused regarding determination for indigent defense

RCW 13.34.115	Court dependency Proceedings
RCW 13.40.217	Juveniles adjudicated of sex offenses - release of information
RCW 13.50.010	Maintenance of and access to juvenile records
RCW 13.50.050	Juvenile offenders
RCW 13.50.100	Juvenile/children records not relating to offenses
RCW 13.60.020	Missing children information
RCW 18.04.405	Confidentiality of information gained by CFA
RCW 18.19.060	Notification to clients by counselors
RCW 18.19.180	Confidential communications with counselors
RCW 19.34.240(3)	Private digital signature keys
RCW 19.215.020	Destruction of personal health and financial information
RCW 19.215.030	Compliance with federal rules
RCW 26.04.175	Name and address of domestic violence victim in marriage records
RCW 26.12.170	Reports of child abuse/neglect with courts
RCW 26.23.050	Child support orders
RCW 26.23.120	Child support records
RCW 26.26.041	Uniform Parentage Act - protection of participants
RCW 26.26.450	Confidentiality of genetic testing
RCW 26.33.330	Sealed court adoption records
RCW 26.33.340	Agency adoption records
RCW 26.33.343	Access to adoption records by confidential intermediary
RCW 26.33.345	Release of name of court for adoption or relinquishment
RCW 26.33.380	Adoption - identity of birth parents confidential
RCW 26.44.010	Privacy of reports on child abuse and neglect
RCW 26.44.030	Reports of child abuse or neglect
RCW 26.44.031	Child abuse records – maintenance and disclosure
RCW 26.44.125	Right to review and amend abuse finding - confidentiality
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 29A.08.720	Voter registration records - place of registration confidential
RCW 29A.08.710	Voter registration records - certain information exempt
RCW 35.102.145	Municipal business and occupation tax – local ordinance can protect return or tax information
RCW36.28A.060(8)	Tactical and intelligence information provided to WASPC
RCW 39.10.470(2)	Alternative public works – trade secrets or other proprietary information submitted by bidder in connection with an alternative public works transaction if data identified and reasons stated in writing
RCW 39.10.470(3)	Alternative public works – proposals submitted by design-build finalists until notification of highest scoring finalist is made
Chapter 40.14 RCW	Preservation and destruction of public records
RCW 42.23.070(4)	Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7)	Identity of local government whistleblower
RCW 42.41.045	Non-disclosure of protected information (whistleblower)
RCW 43.43.762	Contents of statewide criminal street gang database
RCW 46.52.065	State toxicologist records relating to analysis of blood samples
RCW 46.52.080	Traffic accident reports - confidentiality
RCW 46.52.083	Traffic accident reports - available to interested parties
RCW 46.52.120	Traffic crimes and infractions - confidential use by police and courts
RCW 46.52.130(2)	Abstract of driving record

RCW 48.62.101	Local government insurance transactions - access to information
RCW 50.13.060	Access to employment security records by local government agencies
RCW 50.13.100	Disclosure of non-identifiable information or with consent
RCW 51.28.070	Worker's compensation records
RCW 51.36.060	Physician information on injured workers
RCW 60.7A.040	No duty to disclose record of common law lien
RCW 68.50.105	Autopsy reports
RCW 68.50.320	Dental identification records - available to law enforcement agencies
Chapter 70.02 RCW	Medical records - access and disclosure – entire chapter (health care providers)
RCW 70.05.170	Child mortality reviews by local health departments
RCW 70.24.022	Public health agency information regarding sexually transmitted disease investigations - confidential
RCW 70.24.024	Transcripts and records of hearings regarding sexually transmitted diseases
RCW 70.28.020	Local health department TB records - confidential
RCW 70.41.200	Hospital quality improvement committee records and accreditation reports
RCW 70.48.100	Jail records and booking photos
RCW 70.58.055	Birth certificates - certain information confidential
RCW 70.58.104	Vital records, research confidentiality safeguards
RCW 70.94.205	Washington Clean Air Act - confidentiality of data.
RCW 70.96A.150	Alcohol and drug abuse treatment programs
RCW 70.123.075	Client records of domestic violence programs
RCW 70.125.065	Records of rape crisis centers in discovery
RCW 71.05.425	Notice of release or transfer of committed person after offense dismissal
RCW 71.05.445	Release of mental health information to Dept. of Corrections
RCW 71.05.620	Authorization requirements and access to court records
RCW 71.24.035(5)(g)	Mental health information system – state, county and regional support networks - confidentiality of client records
RCW 71.34.335	Mental health treatment of minors – records confidential
RCW 71A.14.070	Records regarding developmental disability - confidentiality
RCW 72.09.345	Notice to public about sex offenders
RCW 72.09.585	Disclosure of inmate records to local agencies - confidentiality
RCW 73.04.030	Veterans discharge papers exemption (see related RCW 42.56.440)
RCW 74.04.060	Applicants and recipients of public assistance
RCW 74.04.520	Food stamp program confidentiality
RCW 74.13.075(5)	Juvenile's status as a sexually aggressive youth and related info
RCW 74.13.280	Children in out-of-home placements - confidentiality
RCW 74.20.280	Child support enforcement - local agency cooperation, information
RCW 74.34.095	Abuse of vulnerable adults - confidentiality of investigations and reports
RCW 82.32.330	Disclosure of tax information
RCW 84.36.389	Confidential income data in property tax records held by assessor
RCW 84.40.020	Confidential income data supplied to assessor regarding real property

## SELECTED FEDERAL CONFIDENTIALITY STATUTES AND RULES

18 USC §2721 - 2725	Driver and License Plate Information
20 USC § 1232g	Family Education Rights and Privacy Act
23 USC § 409	Evidence of certain accident reports
42 USC 290dd-2	Confidentiality of Substance Abuse Records
42 USC § 405(c)(2)(C)(viii)(I)	Limits on Use and Disclosure of Social Security Numbers.
42 USC 654(26)	State Plans for Child Support
42 USC 671(a)(8)	State Plans for Foster Care and Adoption Assistance
42 USC 1396a(7)	State Plans for Medical Assistance
7 CFR 272.1(c)	Food Stamp Applicants and Recipients
34 CFR 361.38	State Vocational Rehabilitation Services Programs
42 CFR Part 2 (2.1 - 2.67)	Confidentiality of Alcohol and Drug Abuse Patient Records
42 CFR 431.300 - 307	Safeguarding Information on Applicants and Recipients of Medical Assistance
42 CFR 483.420	Client Protections for Intermediate Care Facilities for the Mentally Retarded
42 CFR 5106a	Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
45 CFR 160-164	HIPAA Privacy Rule
46 CFR 40.321	USCG regulations regarding confidentiality of drug and alcohol test results done by marine employers