

RESOLUTION NO. 23-12
AMENDS RESOLUTION NO. 43-08
MASON COUNTY PUBLIC RECORDS POLICY

WHEREAS, Mason County is considered a public agency as defined in the Public Records Act, RCW 42.56 and;

WHEREAS, the Mason County Board of County Commissioners adopted rules and procedures for the County to implement the provisions of RCW 42.56 on April 1, 2008 and;

WHEREAS, it is in the interest of the County to periodically review and update its policies and procedures.

NOW, THEREFORE, the Mason County Board of County Commissioners hereby adopts the revised Mason County Public Records Policy as shown in Attachment A.

APPROVED this 3rd day of APRIL, 2012.

**BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON**

ATTEST:


Shannon Goudy, Clerk of the Board


Lynda Ring Erickson, Chair

APPROVED AS TO FORM:


Tim Whitehead, Chief DPA


Tim Sheldon, Commissioner


Steve Bloomfield, Commissioner



MASON COUNTY

PUBLIC RECORDS POLICY

A. Purpose

The purpose of this policy is to provide rules by which the County implements and ensures compliance with the provisions of the Public Records Act, RCW 42.56. This policy provides guidance regarding requesting, providing and managing public documents.

B. Interpretation and Construction

The provisions of this policy shall be liberally interpreted and construed to promote full access to the County's public records in order to assure continuing public confidence in government; provided, that when making public records available, the County shall prevent unreasonable invasions of privacy, shall protect public records from damage, loss, or disorganization, and shall prevent excessive interference with essential government functions.

C. Public Records Available

Public records are available for public inspection and copying pursuant to this policy except as otherwise provided by law. Public records shall be available for inspection and copying during regular business hours. The public records officer may ask the requestor to make an appointment to inspect the records.

D. Public Records Officer Designated

The public records officer shall serve as the point of contact for members of the public who request disclosure of public records.

1. Each of the County's elected officials shall appoint a public records officer who shall be responsible for the implementation and compliance with this policy and the Public Records Act. If a public records officer is not appointed, the public records officer shall be the elected official.
2. An alternate public records officer shall be designated by each appointing authority to act when the designated public records officer is absent or otherwise unavailable to act.
3. Unless otherwise designated by the Board of County Commissioners:
 - a. The Clerk of the Board of the County Commissioners is the public records officer for the Board of County Commissioners and for Mason County.
 - b. The public records officer for the departments reporting to the Board of County Commissioners shall be the department head.
 - c. The public records officer for every volunteer board appointed by and reporting to the Board of County commissioners is the Clerk of the Board.

4. The public records officers shall maintain a record of all public records requests made to their office. Such record shall include:
 - a. The requesting party;
 - b. The requesting party's contact information, including address and telephone number;
 - c. The record(s) requested;
 - d. The date of the request; and
 - e. The date that the requested records were provided or the request was closed.
5. A list of the County's public records officers and their contact information shall be made available to the public, without cost, and shall be posted on the County's website. A copy of this policy and public record request forms shall also be made available to the public, without cost, and shall be posted on the County's website.

E. Public Records Requests—How Made

Public records may be inspected and/or copies may be obtained under the following procedures:

1. Requests for public records shall be directed to the County agency's designated public records officer. Countywide requests or requests for records from more than one County agency shall be directed to the Clerk of the Board. Use of the County's public records request form is strongly encouraged and is incorporated herein as "Exhibit A".
2. Public records requests should be made in writing and should include the following information:
 - a. The requester's name, mailing address, and telephone number;
 - b. The date of the request;
 - c. A clear indication that the document is a "Public Records Request";
 - d. Whether the request is to inspect the public records or for copies of public records, or both;
 - e. A clear description of the public records requested for inspection and/or copying.
 - f. If the request is for a list of individuals, a statement that the list will not be used for any commercial purposes or that the requester is authorized or directed by law to obtain the list of individuals for commercial purposes, with a specific reference to such law.
3. The public records officer shall document all verbal requests for public records. The public records officer will make their best effort to capture what the requester intended to request. The public records officer's documentation will prevail against any claim by the requester that the documented request was inaccurate or incomplete. A person making an oral request for public records must provide the information listed in the subsection above. The public records officer shall seek a written request if the response may include any of the following:
 - a. A list of individuals;
 - b. Requests not identifying a specific public record;
 - c. Subjects of current, threatened or potential litigation;
 - d. More than 100 pages of records; or
 - e. Public records or information exempt from disclosure.

4. Requests for public records maintained by the State of Washington or another governmental agency must be made to that entity and will be subject to that entity's rules and regulations.

F. Response to Public Records Requests

1. The public records officer shall, to the extent practicable, assist requesters in identifying the public records sought.
2. There is no obligation to allow inspection or to provide a copy of a public record on demand.
3. Within five business days after receiving a public record request, the public records officer shall respond to the request in writing. The public records officer shall make one or more of the following responses:
 - a. The request for inspection of public records is approved and whether an appointment for inspection needs to be scheduled by the requester;
 - b. The request for copies of public records is approved and the copies of all requested records are enclosed with the response;
 - c. The request has been received by the public records officer, that additional time is needed to respond to the request, and stating a reasonable estimate of the time required to respond;
 - d. The request has been received by the public records officer and the records shall be provided on a partial or installment basis as the records are identified, located, assembled and/or made ready for inspection or copying.
 - e. The request is denied, in whole or in part, whether by withholding a requested record or redacting a requested record, stating the specific exemption(s) prohibiting disclosure and a brief explanation of how the exemption applies to each withheld and redacted record; or
 - f. The requesting party is asked to provide a down payment equal to 10% of the estimated cost of providing the records sought.
4. When a request is for a large volume of records the public records officer may elect to provide the records on an installment basis. If the requestor fails to arrange for the review of the first installment within 15 days of receiving a response from the public records officer, the public records officer may deem the request abandoned and stop fulfilling the remainder of the request. The public records officer shall inform the requestor in writing that the public records request is closed.
5. If, after responding to a request, additional records are found, the public records officer shall notify the requester of the finding within two working days of the finding.
6. Additional time to respond to a request may be based upon the County's need to:
 - a. Clarify the intent of the request;
 - b. Identify, locate, assemble and/or make the records ready for inspection or disclosure;
 - c. Notify third parties affected by the request pursuant to RCW 42.56.540; or
 - d. Determine whether any of the records or information requested is exempt from disclosure and whether a denial should be made as to all or part of the request.

7. If a requester fails to clarify a request within 15 days of receiving a response from the public records officer seeking clarification, the public records officer need not respond further to the request and will inform the requester in writing that the public records request is closed.
8. If the public records officer does not respond in writing within five business days after receipt of a request for public records, the requester shall be entitled to seek review by the Elected Official/Department Head or the Prosecuting Attorney/Prosecuting Attorney's designee.
9. If the public records officer provides an estimate of the time required to respond to the request and the requester believes the amount of time stated is not reasonable, then the requester may request that the Elected Official/Department Head or the Prosecuting Attorney/Prosecuting Attorney's designee review the estimate of time.
10. When a request for public records is received that concerns a subject known to involve litigation that is pending, threatened or anticipated, the public records officer shall promptly notify the Prosecuting Attorney of the request.

G. Exemptions

1. When denying or redacting a public record, the public records officer shall provide the requestor with an index showing the title of the record, the author, recipient, date, number of pages, exemption authority and brief explanation for withholding.
2. If a request concerns any of the following topics, the public records officer should closely examine the applicable statutes that may prohibit or restrict access and shall consult with the Prosecuting Attorney prior to responding to the public records request. This list is not exhaustive and other exemptions may exist:
 - a. Job application materials;
 - b. Residential addresses and personal phone numbers of employees and volunteers;
 - c. Personnel files of current and retired employees and volunteers;
 - d. Taxpayer information that is private;
 - e. Investigative records compiled by law enforcement, probation officers and code enforcement officers;
 - f. Identity of witness to a crime or persons who file complaints with investigation and law enforcement agencies including the Sheriff, Prosecuting Attorney and code enforcement officers;
 - g. Test questions, scoring keys or information for employment examinations;
 - h. Real estate appraisals made for an agency relative to the acquisition or sale of property;
 - i. Valuable designs, formulae, drawings and research data;
 - j. Preliminary drafts, notes, recommendations in which opinions are expressed as part of the deliberative process;
 - k. Attorney work product pertaining to pending, threatened or completed litigation;
 - l. Attorney – client privileged communications;
 - m. Complaints and investigative records compiled in connection with claims of discrimination in employment;
 - n. Credit card numbers;

- o. Medical records and information;
- p. Information pertaining to victims of crime;
- q. Information regarding organized crime;
- r. Traffic accident reports prepared by citizens;
- s. Industrial insurance claim files and records; and
- t. Identity of child victims of sexual assault.

H. Fees

1. No fee will be charged for the inspection of a public record. No fee will be charged for locating public records and making them available for inspection or copying.
2. No fee will be charged for searching for public records, redacting portions of the record that are exempt from disclosure, or preparing an index of exempt documents.
3. A reasonable fee will be charged to reimburse Mason County for the costs of providing copies. At his or her discretion, the public records officer may waive the fee for fewer than 25 pages.
4. A reasonable fee shall be charged to reimburse Mason County for the cost of delivering copies of public records to a requestor, including the cost of packaging and postage or delivery service.
5. The public records officer may, at his or her discretion, send records to a private copy service for copying, in which case the fee shall be the actual charge imposed for copying, plus applicable taxes and shipping costs.
6. Payment shall be made by check payable to "Mason County Treasurer." The public records officer may require that all charges be paid in advance of the release of the copies.
7. The fee for searching for records, research, and/or providing a copy of a public record may be set by statute or County ordinance. Where statute or ordinance sets a fee, that fee will be charged. Otherwise, the following fee schedule shall apply:

8.5" by 14" or smaller black & white copies	\$0.15 per page
Oversized or color copies	\$1.00 per page
Greenbar computer printouts	\$1.00 per page
All items sent to private copy service	Actual charge
Audio recordings or electronic records saved to a compact disc	\$5.00 for each compact disc
Postage and boxes	Actual charge
Fax (8.5" by 11" only)	\$1.00 per page
Envelopes	\$0.50 each
Electronic records sent by e-mail	No charge
Paper records converted to PDF	\$0.09 per page

8. The public records officer may require a deposit in an amount not to exceed ten percent of the estimated cost of providing the requested public records. If the public records officer responds to a request on a partial or installment basis, the requester shall be charged for each part or installment responding to the request.

9. Failure to Pay:
 - a. If a requestor fails to pay a deposit, if required, the public records request is deemed complete without further action.
 - b. If a requestor fails to pay for records provided, the requestor will be required to pay the outstanding obligation in full prior to any other records requests being entertained.

I. Protection of Public Records

1. The public records officer shall, to the extent practicable, ensure that records requested are not removed from the premises nor misplaced or misfiled by members of the public during inspections. Original records shall not be released to the public for the purpose of allowing the person making the request to make copies.
2. No public records shall be filed or retained at any location other than County property. Any public record that is prepared at an off-site location shall be promptly delivered to the County for filing.
3. If a public record request is made when a record exists, but the record is scheduled for destruction in the near future, the public records officer shall direct the record be retained until the request is resolved.

J. Searching Public Records—Backup and Security Copies

1. In order to prevent excessive interference with essential functions of the County, the County shall not search backup or security systems for copies of public records when the originals of such records have been identified, located and are available for inspection and/or copying.
2. Access to public records does not include access to County computer systems or terminals except for those terminals, if any, which may be specifically designated for public use.

K. Review of denials of public records requests.

1. Any person who disagrees with the denial of a request for a public record may petition for prompt review of such decision by delivering a written request for review to the County's Prosecuting Attorney or the Prosecuting Attorney's designee. The written request shall include all written responses by the public records officer that constituted or accompanied the denial.
2. After receiving a written request for review of a decision denying a public record, the County's Prosecuting Attorney or the Prosecuting Attorney's designee shall promptly consider the matter and may affirm, reverse or otherwise modify such denial. The requester's administrative remedies shall not be deemed exhausted until the Prosecuting Attorney has made a written decision, or the close of the fifth business day following the receipt of the written request, whichever occurs first.

3. The County shall be deemed to have made a final decision denying a request for public records only after a review conducted under this section has been completed.

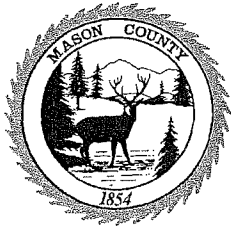
L. Electronic Records

Mason County produces and maintains electronic records to maximize efficiency in fulfilling its basic public service functions. Many electronic records are public records subject to disclosure under the Public Records Act.

1. At the option of the public records officer, electronic records may be printed and provided in paper format. If an electronic record is not capable of being printed in an understandable format, or if the requester prefers the electronic record in electronic format, then the electronic record will be provided in the native format in which the record is maintained by the County.
2. The public records officer does not have an obligation to convert an electronic record to a digital format that is different than the format maintained by the County.
3. If a requester seeks an electronic record in an electronic format that contains exempt information, the public records officer may redact the exempt information by creating a new electronic record without the exempt information, if it is the most cost effective way to produce the record. If the requester seeks an electronic record in its native electronic format that contains exempt information the requester may be responsible for the actual costs associated with customized access.
4. Paper records that are not available in electronic format may be converted to an electronic format by request. The requester will be responsible for applicable scanning fees.

M. Index of Records Not Maintained

For the reasons stated in Resolution 44-08, incorporated herein as "Exhibit B", Mason County finds that it would be unduly burdensome to maintain an index of records.



MASON COUNTY PUBLIC RECORDS
 411 North 5th Street
 Shelton, WA 98584
 Phone: (360) 427-9670 or (360) 275-4467
 Fax: (360) 427-8437

Date Stamp _____

Received by: _____

PUBLIC RECORDS REQUEST FORM

Name	Phone
Address	Fax
City, State, Zip	Email

Record(s) requested: Please describe a specific identifiable record. Include document name, number or date if known.

I would like to inspect the record(s) at no charge

I would like a copy of the record(s): Mailed Faxed Emailed (if available in electronic format) Picked up

Please allow 5 business days for a response to your request. RCW 42.56.520

I agree to pay all copy charges pursuant to Mason County's fee schedule. RCW 42.56.120

I certify the information obtained through this request will not be used for commercial purposes. RCW 42.56.070(9)

Requestor Signature _____ **Date** _____

OFFICIAL USE ONLY	
<input type="checkbox"/> No responsive record was located	
<input type="checkbox"/> The record is exempt from disclosure pursuant to RCW _____ (attach exemption log)	
<input type="checkbox"/> Portions of the record are exempt from disclosure and have been redacted pursuant to RCW _____	
<input type="checkbox"/> Request forwarded to _____	
<input type="checkbox"/> 5 day response Date _____	
Number of pages _____ Fees Due \$ _____	<input type="checkbox"/> Payment received
Completed By: _____	Date: _____
Records were: <input type="checkbox"/> Mailed <input type="checkbox"/> Faxed <input type="checkbox"/> Emailed <input type="checkbox"/> Picked up	

Make checks payable to the Mason County Treasurer

Exhibit A

RESOLUTION NO. 44-08
A PUBLIC RECORDS INDEX

WHEREAS, RCW 36.32.120, states “..the board of county commissioners...have the care of the county property and the management of the county funds and business.”

WHEREAS, the Mason County Board of County Commissioners finds it would be unduly burdensome and costly to Mason County taxpayers, and it would interfere with effective and timely county office operations to develop an index of all current public records as specified in RCW 42.56.070 (3).

WHEREAS, Mason County office operations are complex, diverse, and changeful, and the Board of County Commissioners and its departments receive and produce volumes of correspondence, reports, surveys, studies, and other records.

NOW THEREFORE, the Mason County Board of County Commissioners hereby declares that an index of all current Mason County public records will not be published and maintained pursuant to RCW 42.56.070 (4).

APPROVED this 1st day of April, 2008.

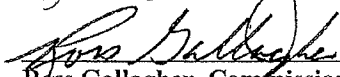
BOARD OF COUNTY COMMISSIONERS



Tim Sheldon, Chair



Lynda Ring Erickson, Commissioner



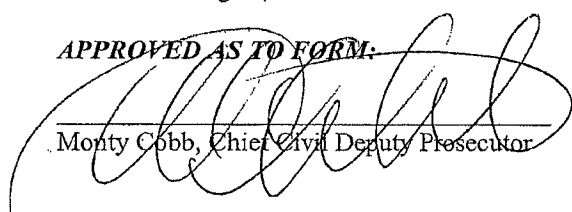
Ross Gallagher, Commissioner

ATTEST:



Rebecca S. Rogers, Clerk of the Board

APPROVED AS TO FORM:


Monty Cobb, Chief Civil Deputy Prosecutor