



# Public Utility District No. 1 of Okanogan County ADMINISTRATION MANUAL

Reviewed by: Steven N. Taylor, General Manager  
Approved by:   
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Insert: Records & Reports  
Subject: **Public Records**  
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## 1. Purpose

As directed by RCW 42.56.100, the purpose of this policy is to establish procedures that the Public Utility District No. 1 of Okanogan County (the "District") will follow to provide full access to public records not specifically exempted by state or federal law. This policy will ensure that requestors receive the fullest assistance while preventing excessive interference with other essential functions of the District.

## 2. Definitions

Listed below are terms defined by the Public Records Act. Any term not defined by the Public Records Act or this policy shall be defined by its common meaning.

- a. "Agency" includes all state and local agencies. A "local agency" includes counties, cities, towns, municipal corporations... or any office, department, division, board, commission, or agency thereof. The District is an agency governed by the provisions of Chapter 42.56 RCW.
- b. "Public Record" includes 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 any state or local agency regardless of physical form or characteristics.
- c. "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.

## 3. Responsibilities

- a. **Public Records Officer.** The District has publicly identified the Administrative Assistant as the Public Records Officer, whose responsibility is to serve as a point of contact for requests under the Public Records Act. The District Public Records Officer is designated to oversee compliance with the Washington State Public Records Act. Other specific District staff members may receive or respond to public records requests as set forth below.
- b. **District Attorney.** The District Attorney or designee shall provide legal advice to the Public Records Officer or designee, as well as to District officials and employees concerning compliance with this policy and the Public Records Act.

## 4. Public Records Request - General Provisions

- a. District officials, officers and employees are not required to respond to a public records request if the request is not made pursuant to this policy. However, if a public record is readily accessible and can be easily provided at the time the request is made without need for further analysis regarding release, a District official, officer or employee may respond to the request.
- b. Public records which are prepared for the purpose of making them available to the public may be provided without completing a formal public records request.

**5. Availability of Public Records.** Public records are available for inspection and copying during normal business hours of the District, excluding municipal legal holidays. Records must be inspected at the offices of the District, and arrangements for inspection and/or copying must be made in advance. Inspection of public records must occur in a non-disruptive manner. No member of the public may remove a public record from a viewing area, disassemble, or alter any public record.



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**6. Organization / Protection of Public Records.** The District has determined that development and maintenance of an index of all public records as provided for in RCW 42.56.070(3) would be unduly burdensome and would interfere with agency operations given the high volume, various locations and types of records received and generated by the District. RCW 42.56.070(4). Notwithstanding the foregoing, the District will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage or disorganization.

**7. Making a Request for Public Records.** A public records request must be for identifiable records. A request for all or substantially all records prepared, owned, used, or retained by an agency is not a valid request for identifiable records. A variety of public records are available on the District's website at [www.okanoganpud.org](http://www.okanoganpud.org). Requestors are encouraged to view the public records currently available on the website at no charge prior to submitting a records request.

**a.** Requestors are encouraged to use the applicable public records request forms available at the offices identified below or located on the District website ([www.okanoganpud.org](http://www.okanoganpud.org)). Requests may be made in person, in writing by mail, or electronically (see Section d. below).

**b.** The request should include the following information:

- The date and time of the request;
- Name, mailing address, telephone number and email address of requestor;
- Adequate identification of the public record(s) being requested;
- Whether the requestor is seeking to inspect the record(s) or if copies are being requested.

**c.** Requests submitted by mail will be deemed received on the date received by the District. Requests submitted electronically after the close of business will be deemed received on the next business day.

**d.** Requests to inspect or copy records of the District should be submitted as follows:

In Person: 1331 2nd Ave N, Okanogan, WA

By Mail: ATTN: Executive Assistant P.O. Box 912 Okanogan, WA 98840

Online: [www.okanoganpud.org](http://www.okanoganpud.org) (to submit electronically)

### **8. Processing of Public Records Requests**

**a. Acknowledging Receipt of Request.** Within five (5) business days of receipt of a request, the District will respond by doing one or more of the following:

- Making the record(s) available, in whole or in part, for inspection or copying;
- Acknowledging the request and providing a reasonable estimate of time required by the District to respond to the request;
- Acknowledging the request and asking the requestor to provide clarification for a request that is unclear, and providing, to the greatest extent possible, a reasonable estimate of time necessary to respond to the request if it is not clarified; or
- Denying the request, in whole or in part, and providing the legal basis for such denial.

In computing time, the day on which the request is received does not count as one of the five business days. Holidays and weekends are also excluded from the calculation of time. RCW 1.12.040.

**b. Clarification Requested.** If, after clarification is requested by the District on a request that is wholly unclear, a requestor fails to provide the requested clarification or fails to describe an identifiable public record with adequate specificity such that it can be located, the District will deem the request abandoned and withdrawn, and will take no further action. Clarification must be received within ten (10) calendar days of the date the request for clarification is sent by the District.

**c. Third Party Notice.** In the event the requested record(s) contain information that may affect the rights of other persons and/or may be exempt from disclosure, the District may, prior to providing the records, give notice to such other person(s) whose rights may be affected by disclosure. The notice shall include a complete



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copy of the public records request. Third parties shall be given twenty (20) business days to obtain and provide to the District an order from the court preventing or limiting disclosure.

**d. Records Exempt from Public Disclosure.** The District shall make available for public inspection and copying all public records, unless the record or specific information contained within the record is exempt or prohibited from disclosure by state or federal law. If any record, in whole or in part, is determined to be exempt from disclosure, the District shall provide the requestor with a written statement of the specific exemption authorizing the withholding of the record, in whole or in part, and shall provide a brief explanation of how the exemption applies to the record, or a portion thereof, withheld. RCW 42.56.070.

- The Public Records Act provides that a number of types of records are exempt from public inspection and copying. See RCW 42.56.210 – 630.
- Other statutes outside the Public Records Act may also prohibit or exempt disclosure of certain records or information. RCW 42.56.070(1). A current list of other statutes that prohibit or exempt disclosure is incorporated into this policy as **Exhibit A**, and may be updated from time-to-time. The District's failure to list all possible bases for exemption in **Exhibit A** shall not affect the District's ability to rely on such an exemption.
- By law, the District is prohibited from disclosing lists of individuals requested for commercial purposes. RCW 42.56.070(9).

**e. Providing Records in Installments.** When a request is for a large number of records, or records that require extensive review prior to disclosure, the District may provide access for inspection and copying on an installment basis. If, within 30 calendar days from the date of notice that records are available for inspection or copying, the requestor fails to inspect or pay for copies of the records, the District will discontinue fulfilling the balance of the request, and shall consider it abandoned and closed. If the District elects to make records available on a partial or installment basis, the District may charge for each installment of the request as it is provided. RCW 42.56.120.

**9. No Duty to Create Records.** The District is not obligated to answer written questions, create new public records, or provide a record in a format different from the original format of the record; however, the District may, in its discretion, offer to create such a record to fulfill a request where it may be easier for the District to create a record responsive to the request than to collect and make available voluminous records.

**10. No Duty to Supplement Responses.** The District is not obligated to hold current records requests open to respond to requests for records that may be created in the future. A new request must be made to obtain later-created public records.

### **11. Fees; Statutory Limits**

**a.** The District finds that calculating the actual costs associated with providing public records is unduly burdensome for the following reasons: 1) quantifying certain necessary resources (ink, electricity, "wear and tear" on equipment) and calculating administrative and staff charges directly related to copying records is inherently difficult; 2) staff resources are insufficient to perform a study and to calculate actual costs; and 3) a study would interfere with and disrupt essential District functions.

**b.** The fees for copies of public records are as stated in the District's current Fee Schedule incorporated into this policy at **Exhibit B**, and may be updated from time-to-time. Fees are consistent with the amounts established by state law. The District may also charge for the actual cost of any digital storage media or device, the actual cost of any container or envelope used for mailing, and the actual cost of postage or delivery charges. No fee shall be charged for the inspection of public records or for locating public records and making them available for inspection. Payment of fees assessed is required prior to release of records. RCW 42.56.120.

**12. Customized Service Charges.** The District may impose a customized service charge if the District determines that the records request requires the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the District for other agency purposes. Requestors will be notified in advance



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of the estimated cost, along with an explanation of why the customized service charge applies and a description of the specific expertise required, so that the request may be amended to avoid or reduce cost, if desired.

**13. Deposit.** The District may require a deposit of up to ten percent (10%) of the estimated cost of providing records as provided herein, to include customized service charges, if any.

**14. Closing Abandoned Requests.** If the requestor withdraws the request, fails to clarify a request when asked, or fails to timely inspect or pay for copies of the records provided, the District will close the request and notify the requestor that the request has been closed and that no further action will be taken. The closure of the request and the circumstances that led to closure will be documented. RCW 42.56.120.

**15. Denial of Request Due to Exemption.** All denials of requests for public records will be accompanied by a Redaction-Exemption Log that identifies the record(s) at issue, explains the legal basis for the denial, and gives a brief explanation of how the exemption applies to the record(s) withheld. RCW 42.56.210(3).

Steven N. Taylor  
General Manager

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Date



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**Exhibit A**

**Exemption and Prohibition Statutes Not  
Listed in Chapter 42.56 RCW  
RCW 2.56.070(2):**

For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in Chapter 42.56 RCW, 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 effect the efficacy of any exemption.

- RCW 10.97.050 Conviction and criminal history information**
- RCW 27.53.070 Records identifying the location of archaeological sites**
- 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**
- 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 46.52.130(2) Abstract of driving record - limited disclosure**
- RCW 48.62.101 Local government insurance/risk management liability reserve funds established to settle claims**
- RCW 50.13.060 Access to employment security records by local government agencies**
- RCW 50.13.100 Disclosure of confidential employment security records allowed if identifying information deleted or with consent**
- RCW 51.28.070 Worker's compensation records confidential - limited disclosure**
- RCW 51.36.060 Physician information on injured workers**
- RCW 82.32.330 Disclosure of tax information**

- 18 USC § 2721 - 2725 Driver and License Plate Information**
- 42 USC § 405(c)(2)(C)(viii) (I) Limits on Use and Disclosure of Social Security Numbers.**
- 45 CFR § 160-164 HIPAA Privacy Rule**
- 18 CFR § 388.113 Critical Energy Infrastructure Information**



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### ***Exhibit B***

The District will assess costs per the statutory fee schedule (RCW 42.56.120(b)) as follows: **(Charges will only apply to requests that exceed 50 pages.)**

- 15 cents per page/Paper copies
- 10 cents per page/Scanned into electronic format
- 5 cents per 4 files or attachments and provided by electronic delivery
- 10 cents per 1 gigabyte of electronic records transmission