

RiverCom

Administrative Policy and Procedure

Section: **3 – INFORMATION, DATA, AND SECURITY MANAGEMENT**

Title: **Public Records Disclosure**

Original Date: October 10, 2018

Revised Date:

Approved By: RiverCom Administrative Board, October 10, 2018

I. Background

RiverCom's public records are subject to disclosure and production under the Public Records Act (PRA). The PRA outlines the specific requirements for responding to requests for public records and for producing records which are responsive to a request. Certain record groups are also subject to other federal and state laws which may require that records or portions of records be denied, withheld, or redacted. RiverCom must also balance public transparency with a responsibility to protect public records from damage, disorganization, breaches of security, misuse, and excessive interference with the essential functions of the agency.

The purpose of the PRA is to provide the public with full access to records concerning the conduct of government. The PRA should not be used to obtain records containing purely personal information that has absolutely no bearing on the conduct of government.

II. Purpose

The purpose of this policy is to outline the general rules by which RiverCom implements the provisions of the Public Records Act for the agency's public records. The provisions of the PRA are meant to be liberally interpreted and construed to promote full access to the agency's public records.

This policy does not apply to judicial requests nor does it apply to requests made by representatives of law enforcement agencies for the purpose of conducting an official investigation.

III. Scope

This policy applies to all RiverCom employees and other individuals acting on behalf of RiverCom including elected and appointed officials, volunteers, and contracted individuals and organizations.

IV. Policy

The public disclosure of RiverCom's records shall be governed by federal and state laws. It is RiverCom's intent to ensure the public with full and appropriate access to public records and to establish a methodology that provides the greatest likelihood of a full production of records when requested through a public records request. RiverCom shall make available to the public all records that meet the definition of public records, excepting records that are legally prohibited, protected, or exempt from disclosure.

A. Public Records Defined

1. The term "Public Record" includes any RiverCom document or material made or received in connection with the transaction of its public business. Public records include, but are not limited to, paper, correspondence, reports, documents, forms, electronic documents and records, emails, websites, intranet sites, social media, photographs, film, sound recordings, maps, compact disc or other document, regardless of the physical form or characteristics. The classification of public records is defined in RCW 40.14.010.
2. All of RiverCom's public records are subject to production under the PRA.

B. RiverCom Public Records

1. RiverCom's public records includes the following:
 - a. Records for 9-1-1 call receiver and dispatch activities:
 - i. 9-1-1 audio recordings
 - ii. CAD (Computer Aided Dispatch) Call Logs
 - iii. Radio traffic recorded by RiverCom
 - iv. Instant messaging between RiverCom employees
 - v. Email, text, and phone records that include RiverCom employees
 - vi. Other records generated by RiverCom
 - b. Records pertaining to agency business such as administrative, financial, and operational records.

C. Maintenance of Records

1. RiverCom shall maintain the security of its public records according to federal and state law, including the Public Records Act and Washington State Archives Records Retention Schedules.
2. Each employee is responsible for maintaining and managing their files and records to comply with the Public Records Act and applicable records retention schedules. Employees must be able to complete the following when directed to produce records for a public records request:

- a. Search for, locate, and produce records within their area of responsibility that are responsive to a public records request
- b. Respond to requests to search for records in a timely manner and in accordance with the timelines established by the Public Records Officer
- c. Track and record time worked, document search methodologies, and document communications related to a public records request

D. Appointed Public Records Officer

1. RiverCom shall appoint a Public Records Officer (PRO) to serve as a central point of contact for public records requests. The PRO will receive and respond to records requests and oversee compliance with public records disclosure requirements.
2. All inquiries about public records requests shall be forwarded to the Public Records Officer. If an employee receives a request for public records, the employee shall immediately direct the requestor or forward the request to the Public Records Officer.

E. Requests for Public Records

1. RiverCom shall provide and maintain general information on its website about how the public may request a public record.
2. All requests for public records must define the records being sought with reasonable specificity. All requests must sufficiently describe and provide information as to make the record identifiable. Any request that is too generalized will be returned to the requesting party for further clarification. RiverCom shall, to an extent practicable, assist requesters in identifying the records the requestor is seeking.
3. A public records request is a request for an identifiable record. Public records requests are not interrogatories, requests for information, or questions. RiverCom has no duty to answer questions, provide explanations, provide transcriptions of records, or conduct legal research about the meaning of public records for a requestor.
4. RiverCom shall recommend the use of a designated form for a requestor to initiate a records request to ensure that the appropriate information is collected to properly identify records and to efficiently and effectively respond to a request. If RiverCom receives a verbal request, the request shall be immediately reduced to writing and then verified with the requestor to correctly memorialize the request.
5. All public record requests must contain a signed declaration certifying that the records requested will not be used for commercial purposes.

6. Public record requests may be delivered to RiverCom via the following methods:

a. U.S.P.S., FedEx, and/or UPS mail addressed to:

RiverCom
Public Records Officer
P.O. Box 3344
Wenatchee, WA 98807-3344

b. Emailed to: publicdisclosure@rivercom911.org

F. Response to Requests for Public Records

1. It shall be the intent of RiverCom to fully produce all records responsive to a public records request, unless there is legitimate cause for withholding, exemption, or redaction.
2. RiverCom shall have no obligation to allow inspection or provide a copy of a public record on demand. RiverCom will respond to a request for public records within a reasonable amount of time which may take into account the volume of the records requested, the proximity of where the records are stored, and the necessity for any legal or internal review of the records requested.
3. RiverCom will respond to a request for public records within five (5) business days of receiving the request by one of the following:
 - a. Provide the record
 - b. Acknowledge the receipt of the request and provide a reasonable estimate of time to respond to and/or complete the request
 - c. Request clarification of the record request
 - d. Deny the request and provide a written statement of the specific reasons for denying the request
4. RiverCom shall not be obligated to create new records in order to respond to a public records request.
5. RiverCom shall provide only the available records contained in the records request and shall not provide additional information outside the scope of the records request.
6. If a record, or part of a record, cannot be released, RiverCom will issue a written response to the requestor citing the specific reasons information was not released.
7. When a request is made to view a record for public inspection, a Public Records Officer shall arrange a time during customary business hours. The public record shall be viewed in the presence of a Public Record Officer, or a designee. If at any time the reviewer acts in a manner that may damage, disorganize, or compromise the record, or interferes with essential RiverCom functions, the record shall be withdrawn from the reviewer.

G. Records Pertaining to Law Enforcement Agencies

1. RiverCom agrees to abide by an Interlocal Cooperative Agreement dated October 10, 2018 pertaining to RiverCom Data Hosting, so long as such an agreement is in place. A complete copy of the Interlocal Cooperative Agreement is available upon request.
2. When RiverCom receives a request for public records that includes records originated by a law enforcement agency in Chelan or Douglas County, RiverCom shall process the request as follows:
 - a. Upon receiving a Request for Public Records that includes a record originated by Chelan County Sheriff's Office, RiverCom will notify the same agency in writing to inform the agency about the request. RiverCom will produce any of its own records which are responsive to the request and will forward those records to a designated Public Records Officer at Chelan County Sheriff's Office. The Public Records Officer for Chelan County Sheriff's Office is appointed as the RiverCom PRO and shall be the PRO for responding to the public records request.
 - b. Upon receiving a Request for Public Records that includes a record originated by Douglas County Sheriff's Office, RiverCom will notify the same agency in writing to inform the agency about the request. RiverCom will produce any of its own records which are responsive to the request and will forward those records to a designated Public Records Officer for Douglas County Sheriff's Office. The Public Records Officer for Douglas County Sheriff's Office is appointed as the RiverCom PRO and shall be the PRO for responding to the public records request.
 - c. Upon receiving a Request for Public Records for records of Wenatchee Police Department, RiverCom will produce the RiverCom records that are responsive to the request and provide those records to the requestor and will then inform the requestor that RiverCom is not authorized to release records of Wenatchee Police Department and will direct the requestor to the Public Records Officer for Wenatchee Police Department. If when RiverCom prepares records finds that the records contain information for a matter where a case number has been assigned by the Wenatchee Police Department, RiverCom shall provide Wenatchee Police Department notice at least ten (10) business days before the release so that Wenatchee Police Department has a reasonable opportunity to bring action to prevent the release of such records. If the Wenatchee Police Department does not provide RiverCom with a protective order by the release date of the RiverCom records, then RiverCom shall release the records as it deems appropriate.
 - d. Upon receiving a Request for Public Records for records of East Wenatchee Police Department, RiverCom will produce all records that are responsive to the request, whether or not those records were originated by RiverCom.

RiverCom will provide notice of the request to East Wenatchee Police Department within five (5) days of receipt of the request. RiverCom will assemble all records responsive to the request and provide all records to East Wenatchee Police Department for review. East Wenatchee Police Department will have ten (10) business days from the date of receipt of the records to bring an action in the appropriate jurisdiction for a protective order to prevent disclosure of any portion(s) of the documents identified by RiverCom and produced to the East Wenatchee Police Department in response to the records request. If East Wenatchee Police Department does not bring an action for protective order and notify RiverCom of its having done so within ten (10) days of their receipt of the records, RiverCom shall release the records in their entirety to the requestor.

- e. It shall be incumbent on the interested agency to provide the basis for any withholding, restriction, or redaction of their records prior to the release of records. In all cases, and when applicable, each agency shall be responsible for providing their own exemptions and redactions and the specific RCW citation for each exemption or redaction.

I. Requests for Employee Information

1. Any record request involving requests for employee information, either past or present employees, employment processes, any matter related to human resources, wages and salaries, employee benefits, employment contracts, collective bargaining agreements, or other similar record shall be directly forwarded to and coordinated with human resources personnel.

J. Records Prohibited and Exempt from Public Disclosure

1. RiverCom shall publish a list of applicable exemptions that it believes potentially exempt records it holds from disclosure.
2. Certain records, either in whole or in part, may be prohibited, protected, or exempt from public disclosure on the basis of federal or state law.
3. When RiverCom denies the release of a record it will provide the requestor with a written notification citing the basis for the denial.
4. When RiverCom redacts a record in whole or in part on the basis of a prohibition or exemption, it will provide the requestor with a written notification citing the specific basis for each occurrence of redaction and a brief explanation of how the exemption applies to the record withheld.

K. Protecting the Rights and Privacy of Others

1. In the event that the requested records contain information that may affect the rights of others and may be exempt from disclosure, the Public Records Officer may, prior

to providing the records to the requestor, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask for a withdrawal of the request, a revision of the request, or, if necessary, seek an order from the court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the original records request.

L. Closing Record Requests

1. Upon completion of a records request, the Public Records Officer will close the request by written notification to the requestor stating the scope of the request and memorializing the outcome of the request.
2. When a requestor either withdraws a request, fails to fulfill the requirements of a request, or fails to pay the required deposit or final payment for a request, the Public Records Officer will close the request in writing and provide a closing letter to the requestor stating the scope of the request and memorializing the outcome of the request.
3. If a requestor wishes to request additional records after a request is closed, the requestor will be required to submit a new public records request.

L. Public Records Request Log

1. RiverCom shall maintain a log of public records requests to include the following:
 - a. The identity of the requestor, if provided by the requestor
 - b. The date the request was received
 - c. The primary text of the original request
 - d. Description of records produced in response to the request
 - e. A description of the records withheld or redacted and the reasons for withholding or redacting
 - f. The date of final disposition

M. Retention of Public Records Requests

1. RiverCom shall maintain a copy of each request for public records for a period of time consistent with Washington State Archives Records Retention Schedules.
2. Records that were assembled to fulfill a public records request will be returned to the original records group after the request has been closed by the Public Records Officer. Records that were copied or recorded to fulfill a public records request may be disposed of after the request has been closed by the Public Records Officer.
3. RiverCom is not required to preserve the records reproduced or copied for a public records request. The records that are the subject of a public records request are excluded from records retention requirements for public disclosure. Only the original records shall be retained in accordance with the requirements for that records series.

N. Additional Responsive Records

1. If RiverCom becomes aware of additional responsive documents that existed at the time of the original request and after RiverCom has informed the requestor that it has provided all available records, RiverCom will promptly inform the requestor of the additional documents and provide them to the requestor on an expedited basis.

O. Fees and Deposits for Records

1. RiverCom may implement a fee and deposit schedule consistent with the Public Records Act and to the amounts allowable by law.
2. All fee schedules for public records requests shall be authorized and approved by the RiverCom Administrative Board by Resolution after providing public notice and hearing in an open public meeting. The approval and adoption of the Resolution must be entered into the Board's official meeting minutes.

V. Review Schedule

This policy shall be reviewed and updated every three (3) years, or as otherwise necessary. This policy may change, with or without notice, to accommodate changes in law.

VI. References

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Reviewed and approved by RIVERCOM legal counsel: R.R. Siderius Jr., October 3, 2018