



# Northshore Utility District

Policy and Procedure: **ADMIN – 22**

## PUBLIC RECORDS REQUEST

### **BACKGROUND:**

RCW Sections 42.56.040, 42.56.070 and 42.56.100 of the Public Records Act ("the Act") collectively require that state and local agencies provide, publish and prominently display certain information, exemptions and rules governing disclosure of public records.

### **PURPOSE AND SCOPE:**

**WAC 44-14-01002 "Requirement that agencies adopt reasonable regulations for public records requests."** The Act provides: "*Agencies shall adopt and enforce reasonable rules and regulations...to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency....*" The purpose of this policy is to provide a procedure for District staff and the requestor to follow for the request for public records and thus enable the District to comply with the Act.

### **DEFINITIONS:**

**"Public record"** - A "writing," as defined by the Open Public Records Act, containing information "relating to the conduct of government" or the performance of any governmental or proprietary function, "prepared, owned, used, or retained" by an agency.

### **POLICY:**

The District supports the Act and shall follow the steps in this policy and procedure to provide the "fullest assistance" to the requestor and to prevent District records from damage or disorganization. It is also a precaution to prevent a requestor from being unreasonably disruptive or disrespectful to District staff. While providing public records is an essential function of the District, it is not required to abandon its other functions to accommodate a public records request.

### **PROCEDURES:**

#### **(a) Appointment of a Public Record Officer:**

The General Manager of the District is appointed as the District's Public Records Officer with contact information as follows:

Public Records Officer  
Northshore Utility District

6830 NE 185<sup>th</sup> Street  
Kenmore, WA 98028  
Phone: (425)398-4400  
Fax: (425)398-4460  
Public.Records@nud.net

The Public Records Officer will oversee the District's compliance with the Act.

The Public Records Officer or his/her designee shall be the only person to communicate directly with the requestor on behalf of the District.

**(b) Display of This Policy and Procedures**

A copy of this Policy and Procedure will be made available at the front lobby of the District office and on the District's website.

**(c) Availability of Public Records**

The District's records are available for inspection and copying during business hours from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. The District does not maintain a formal index of its records. District staff will communicate with those requesting public records to identify the requested public records. The inspection or copying of public records cannot create "excessive interference" with the other essential functions of, or be unreasonably disruptive to the other operations of, the District.

**(d) Making a Request for Public Records**

1. Many of the District's records (such as Board meeting agenda and minutes) are regularly posted on its website. The public should start their search with the District's website.
2. Any person wishing to inspect or copy public records of the District that are not posted on its website should make the request in writing on the District request form, or by letter, fax, or e-mail addressed to the Public Records Officer and including the following information:
  - Name of requestor;
  - Address of requestor;
  - Other contact information, including telephone number and any e-mail address;
  - Identification of the public records adequate for the Public Records Officer or designee to locate the records; and
  - The date and time of day of the request.

A form is available for use by requestors at the District office and on-line at ([www.nud.net](http://www.nud.net)). Email request should be sent to Public.Records@nud.net.

3. If the requestor wishes to have copies of the records made, he or she should so indicate and make arrangements to pay for copies of the records or a deposit equal to ten percent of the estimated

costs. Charges for the copies made at the District shall be as stated in the District's then current Rate Resolution.

4. The cost per copy is the same for copies made by District staff or by the requestor on a District-provided copier. For a large copy request, the District may send the originals to a commercial copying service for reproduction. The requestor will be charged the District's actual cost for the reproduction service. The requestor can also pay the copy service provider directly.
5. For a larger copying request, the requestor shall be required to pay a deposit equal to ten percent of the estimated costs before copying.
6. Once the District has made the copies requested, the requestor is liable for the copying cost even if the copies are not picked up. If the District provides copies in installments, each installment must be paid for before the District provides the next installment.

**(e) Handling of Public Records.**

The District has the responsibility to safeguard its public records. It will arrange to have an employee observe the inspection or copying of the public records to ensure they are not destroyed or disorganized. A requestor may not alter, mark on, unassemble, or destroy an original record during inspection or copying.

**(f) Processing a Public Records Request**

**1. 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:

- Make the records available for inspection or copying;
- If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- Provide a reasonable estimate of when records will be available; or
- If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. 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; or
- Deny the request: (See f3 below).

**2. Identifiable Record**

A requestor must request an "identifiable record" or "class of records" before the District will respond to it. An "identifiable record" is one that the District staff can reasonably locate. The Act

does not allow a requestor to search through agency files for records which cannot be reasonably identified or described to the District.

An "identifiable record" is not a request for "information." Public records requests are not interrogatories. The District is not required to conduct research for a requestor. When a request uses an inexact phrase such as all records "relating to" a topic (such as "all records relating to the property tax increase"), the District will interpret the request to be for records which directly and fairly address the topic.

If a request is not clear, the District will seek clarification from the requestor. If the requestor fails to clarify an unclear request within thirty days, the District will consider the request abandoned.

### **3. Records Exempt from Disclosure**

Some records are exempt from disclosure, in whole or in part. If the Public Records Officer believes that a record is exempt from disclosure and should be withheld, the District's legal counsel will be consulted. Where a decision is made to withhold one or more records, the Public Records Officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. 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 in writing why portions of the record are being redacted.

If the District claims an exemption for an entire record or portion of one, it will inform the requestor of the statutory exemption and provide a brief written explanation of how the exemption applies to the record or portion withheld.

### **4. Inspection of Requested Records**

Consistent with other demands, the District shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy. After inspection is complete, the Public Records Officer or designee shall make the requested copies or arrange for copying after the requestor pays a ten percent deposit for the cost of copying. Alternatively, the District may make a copier available to the requestor for self-service.

### **5. Mailing of Requested Records**

The District can mail copies of the public records upon request and the costs of the mailing and the mailing container will be added to the cost of copies charged to the requestor.

### **6. A Record of Public Records Provided**

District staff shall retain a copy of the public records copied and/or a listing of the records provided for inspection to be filed with the public records request form. The copies of public records provided to the requestor shall be sequential numbered stamped before they are copied for the District's own records.

## **7. Unclaimed or Uninspected Public Records**

The requestor must claim or review the assembled records within thirty days of the District's notification to him or her that the records are available for inspection or copying. The District 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. If the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the District may close the request and re-file the assembled records. 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.

## **8. Response Time**

The District will take the "most timely possible action on requests," but is not always capable of fulfilling a request as quickly as the requestor would like. Requests cannot create an "excessive interference" with the District's "other essential functions." The District will fulfill public records requests as one of its duties, prioritized along with its other duties.

## **9. 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. 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.

## **10. Closing withdrawn or abandoned request.**

The Public Record Officer shall memorialize the outcome or the completion of a public record request on the Public Record Request form. 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 in writing that the District has done so.

## **11. Later discovered responsive record**

If the District discovers responsive records after a request has been closed, it will notify the requestor about the discovered records and make them available upon request.

### **(g) Electronic Records**

If the Public Records Officer deems it practical to provide on-site viewing of the District's public records without compromising the security of the District's data system and exempt records, the requestor may be given on-site access to inspect the District's records electronically. If that is not possible, the District will:

- i. provide a copy of the electronic record on a media such as a CD,

- ii. deposit the requested records into the District's publicly accessible, free, web-based storage site such as Dropbox with a link to it posted on the District's website for a period of 60 days. Some of the electronic files may only be viewed with the specific software publisher's viewer. The links to these free, downloadable viewers will also be posted on the District's website's Public Records request page, or
- iii. the requestor may also ask to view these records at the District's office during normal business hours (Section c) by appointment. The District will make available space, a computer and the necessary viewing software (if the District has it) and a printer to assist the requestor in obtaining the requested records.

As with a paper record, the District will retain a duplicate copy of the media so provided to the requestor.

**(h) No duty to create records.**

The District will only provide public records that are in existence at the time of the request. It will not create a new record just to satisfy a records request. If a document (for example: a data extraction report) is not in existence at the time of the request, the District will not create one for the requestor.


**DOCUMENTS REQUIRED:**

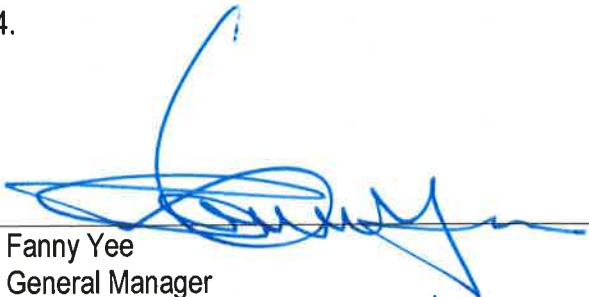
EXHIBIT "A" "Public Records Request Form"

**QUESTIONS AND ANSWERS:**

**AUTHORIZATION:**

Approved by the Board of Commissioners on April 7, 2014.

  
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D. Bruce Gardiner  
President, Board of Commissioners  
Date Signed: 1/3/14

  
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Fanny Yee  
General Manager  
Date Signed: 12-10-14



# Northshore Utility District

6830 NE 185<sup>th</sup> Street, Kenmore, WA 98028  
[www.nud.net](http://www.nud.net)  
 425-398-4400 (phone) 425-398-4430 (fax)

## PUBLIC RECORDS REQUEST FORM

### Requestor Information:

Name:				Requesting date:			
Email Address	Phone Number	Fax Number	Request made:	<input type="checkbox"/> by mail	<input type="checkbox"/> by email	<input type="checkbox"/> by fax	<input type="checkbox"/> in person
			Contact me:	<input type="checkbox"/> by mail	<input type="checkbox"/> by email	<input type="checkbox"/> by fax	<input type="checkbox"/> by phone
Address:							

**Request Description** (Please be specific enough for District staff to identify and locate the records that you are requesting. This request can only be for existing records; the District cannot do research or create reports, document or records at your request.)

We are not allowed to provide lists for commercial uses; will the above request to be used for a mailing list for commercial purpose?  
 Yes  No. Do you want to inspect the records?  Inspect first and copy selected pages:

I understand that I must inspect or claim the requested records within 30 days of being notified by the District that the requested records are ready for inspection. The District shall close by request after that time period. =====>

Requestor's Signature

**THE SPACE BELOW IS FOR DISTRICT USE ONLY**

Request received:		Search assigned to:	
Email search terms:			

### Request Processed:

Estimated date for records availability:		Requestor notified on:	
Additional time? If so, how long and why?		Requestor notified on:	
Records inspected on:		Request sent to District attorney on:	
If the request is denied or withheld in part, name the exemption contained in 42.56 RCW. If request is concluded in other manner, please explain how.			

**Charges:** (There is no charge for record inspection. Letter-sized copies are 15 cents each)

TOTAL CHARGE:	\$	Paid on:		Receipt No:	
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