



**ADMINISTRATIVE POLICY NO. 1.18  
REQUEST FOR PUBLIC RECORDS**

**Purpose:** To outline City policy on public access to records in accordance with state law.

<b>EFFECTIVE DATE:</b>	<b>02/01/06</b>	<b>ISSUED BY: LEGAL/City Clerk's Office</b>
<b>SUPERCEDES:</b>	<b>04/01/92</b>	<b>CITY MANAGER'S APPROVAL:</b>
<b>LAST REVIEWED:</b>	<b>08/10/06</b>	(initials of City Manager)

**1. References**

- a) Tacoma City Charter
- b) Tacoma Municipal Code 1.06.100
- c) Chapter 42.56 RCW - Public Records Act
- d) Chapter 40.14 RCW - Preservation and Destruction of Public Records
- e) Administrative Policy 1.10 - Inactive City Records
- f) City of Tacoma Public Disclosure Request Procedures

**2. Background**

The City is required by the State Public Records Act (RCW 42.56) to allow the general public to inspect and/or copy certain documents, records, policies, and other information; and to appoint and publicly identify a public records officer whose responsibility is to serve as a point of contact for members of the public requesting records, and to oversee the City's compliance with the Public Records Act. The Act also provides that agencies provide the "fullest assistance" to requests for public documents.

In general, most of the information processed and retained by departments such as factual studies and reports, policies and procedures, resolutions, ordinances and related materials, etc., fall in the category of "public" records and thus must be disclosed under the law unless there is a specific, lawful exemption.

It is the policy of the City to provide the fullest assistance to requesters, and to comply with the provisions of the Public Records Act.

**3. Public Records Officer**

The City Clerk serves as the custodian of official City records, consistent with the City Charter, Tacoma Municipal Code, and Administrative Policy 1.10, Inactive City Records. Under the direction of the City Attorney, the City Clerk has designated the Records Management Supervisor located in the City Clerk's Office as the City's Public Records Officer. The name, title, address, telephone number, and email contact information of the Public Records Officer will be posted at the Tacoma Municipal Building, as well as on the City's website home page, with instructions on how to request public records.

The Public Records Officer shall oversee the City's compliance with the Public Records Act and shall prepare, revise, maintain, and publish *Procedures for Public Disclosure Requests*, which provides detailed procedures for employees of general government departments on receiving, processing, and responding to requests for public information. Employees are required to respond promptly to the Public Records Officer regarding inquiries about the status of any public disclosure request.

While at times the Public Records Officer may send responsive documents to requesters, generally it is the responsibility of each department involved to research and compile responsive documents, and coordinate with the requester, in order to fulfill the request.

The Public Records Officer will keep a record of each public disclosure request received for tracking, monitoring, and compliance purposes.

The Records Management Supervisor located at Tacoma Public Utilities, and the Tacoma Municipal Court Administrator, shall each establish procedures for their respective public disclosure processes, and publicly identify a Public Records Officer in accordance with state law.

#### **4. Departmental Public Disclosure Coordinators**

Each department Director shall identify at least one person, depending upon department size and number of divisions, as a Public Disclosure Coordinator. The Public Records Officer will coordinate all public disclosure requests with the department/division coordinator. This will ensure a standard, uniform approach and response to all public disclosure requests. Departments are responsible for keeping the Public Records Officer informed of current Public Disclosure Coordinators.

#### **5. Public Disclosure Requests**

- a ) To properly process a Public Disclosure Request (PDR) in a timely manner, it is preferred that requests be made in writing on the City's Public Disclosure Request Form. Other written formats such as email are acceptable, and should include the requester's name, daytime phone number, address, and the specific items being requested. Requests can be delivered to the City in person, by U. S. mail, email, or submitted via the City of Tacoma's internet site. Oral requests will be transferred to the City's Public Disclosure Form, or other written format, by the staff member receiving the request.
- b ) In order to provide the best possible customer service, and to ensure compliance with state law, all PDRs shall be directed to one of the following three locations:
  1. Requests for general government information:  
Public Records Officer, City Clerk's Office,  
747 Market Street, Room 220, Tacoma, WA 98402
  2. Requests for Tacoma Public Utilities information:  
Records Management Supervisor, Tacoma Public Utilities,  
PO Box 11007, Tacoma, WA 98411  
OR in person at  
3628 So. 35<sup>th</sup> Street, Tacoma, WA 98409
  3. Requests for Municipal Court information:  
Court Administrator, Tacoma Municipal Court, 930 Tacoma Ave S.,  
Room 841, Tacoma, WA 98402

- c ) If the requester, or staff member, is unsure of where to file the request, it shall be filed with the Public Records Officer in the City Clerk's Office, who will then determine which department(s) shall fulfill the request.
- d ) Each City department may designate within its own department certain "over the counter" records available to the public for immediate inspection and/or providing copies without meeting the requirement to first submit the request to the Public Records Officer. However, a copy of the request must be sent to the Public Records Officer for recording purposes. Departments shall periodically forward to the Public Records Officer a list of the designated "over the counter" records available to the public.
- e ) In the event a department other than those specified in 4(b) or as outlined in 4(d) above accepts a public disclosure request, the department shall immediately (no more than one business day) forward the request to the Public Disclosure Officer in the City Clerk's Office.

## **6. Initial Response to Request**

Pursuant to RCW 42.56.520, responses to requests for public documents shall be made promptly. Within five (5) business days of receipt of a request, the Public Records Officer will (1) verify that the records have been provided by the department, or (2) acknowledge receipt of the request and provide a reasonable estimate of the time the City will require to respond to the request, or (3) deny the request.

The Public Records Officer shall route the request to the appropriate department coordinator(s), with instructions for document distribution. Generally, when requests are of a single department only, that department shall respond to the requester. In some cases, where a coordinated response is necessary, documents responsive to requests should be forwarded to the Public Records Officer for distribution to the requester. See *Procedures for Public Disclosure Requests* for further information and for appropriate departmental responses, processes, and procedures.

## **7. Final Response to Request**

A PDR is not continuing in nature. In the event additional records are created after the date of the requester's original PDR, the requester will need to submit a new PDR.

Any record or portion of a record disclosed by the City will be provided to the requester in the same format as they are retained, provided that any disclosable record contained on a computer or other electronic or mechanical device shall be provided in a format at the discretion of the City.

See *Procedures for Public Disclosure Requests* for further information and for appropriate departmental final responses, processes, and procedures.

## **8. Inspection of Records**

In the event a requester chooses to only inspect records, the City shall notify the requester once the records are available for inspection. The records will be made available for inspection at a date and time mutually agreed upon between the requester and the Public Records Officer, or his/her designee. Any appointment to inspect records may be limited to no more than a two (2) hour period on any given day if a greater amount of time will excessively interfere with essential functions of the City Department. In addition, an inspection period may be broken into intervals so as to not excessively interfere with the essential functions of the City.

Records that have been pulled for inspection shall be made available to the requester for a period of no more than thirty (30) days. In the event the requester fails to contact the Public Records Officer, or his/her designee, within thirty (30) days of being notified that the records are available for inspection, the records shall be returned to the originating department and the requester will need to submit a new request for the records and the process will begin anew.

## **9. Appeal Process**

Any person who objects to the initial denial or partial denial of a records request may petition in writing to the Public Records Officer for a review of that decision. The petition shall include or refer to the written statement by the Public Records Officer denying the request.

Upon receipt of a petition, the Public Records Officer will promptly provide the petition and other relevant information to the City Clerk. The City Clerk shall immediately consider the petition and either affirm or reverse such denial within two business days of receipt, and shall inform the petitioner of such decision.

## **10. Records Subject to Disclosure**

The City need only disclose records to the extent required or permitted by state or federal law, and nothing in this policy shall be interpreted as requiring the disclosure of any record that is not subject to disclosure by state or federal law. Generally, any record, or portion thereof, which is exempt from disclosure, will not be disclosed, and information contained in such records may be removed to the extent necessary or permissible by law. The City will not create records or documents in response to a Public Disclosure Request that do not exist at the time the request is made.

Certain records are exempt from public disclosure, and are contained in RCW 42.56 and other statutes. The Public Records Officer will determine, in conjunction with the City Attorney's Office, as to whether or not the records requested are subject to disclosure.

**11. Duplication Fees**

A fee of \$.15 per page, per side, is to be charged for providing letter size copies of documents, or as otherwise provided by the City's fee schedule, in addition to the actual cost of postage if the documents are to be mailed.

In providing a response to a records request, the City will provide all audio tapes, videotapes, computer diskettes or other media requested to the extent that is reasonably possible, as provided by the City's fee schedule. No requester provided media will be used.

**12. Deposit for Duplication**

The Public Records Officer may require the requester to deposit a sum equal to 10 percent of the estimated cost prior to duplication of the records. In the event that a deposit is required, the City will notify the requester of the necessity of the deposit. If the actual duplication costs are less than the amount deposited by the requester, the City will return the sum in excess of the actual amount to the requester.

**13. Payment of Required Fees**

Payment of duplication and postage fees shall be made prior to the disclosure of public records. When required pursuant to Section 12 of this policy, the payment of a deposit shall be made prior to the duplication of any records. All payments shall be made by cash, money order, or check, made payable to the City Treasurer.

**14. Questions**

All questions regarding the State Public Records Act or this policy should be referred to the Public Records Officer and/or the Legal Department for final determination.