

ORDINANCE NO. 874-B

**AN ORDINANCE OF THE CITY OF CHEHALIS,
WASHINGTON, AMENDING TITLE 1 OF THE CHEHALIS
MUNICIPAL CODE CREATING A NEW CHAPTER 1.14
RELATING TO THE DISCLOSURE OF PUBLIC
RECORDS.**

WHEREAS, the Public Records Act, Chapter 42.56 of the Revised Code of Washington (chapter 42.56 RCW), requires cities to adopt rules of procedure consistent with the intent of the Public Records Act, to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with essential City functions; and

WHEREAS, the City of Chehalis is a municipal corporation of the State of Washington which provides general municipal and utility services to its residents and others; and

WHEREAS, the Public Records Act requires the City to make public records available for inspection and copying, subject to certain exemptions; and

WHEREAS, the two provisions of RCW Chapter 42.56 require (1) the appointment of a Public Records Officer of the City, and (2) the publishing of the City's procedures for responding to public records requests; and

WHEREAS, the City Clerk is the Records Officer for the City and appointing the City Clerk to be the Public Records Officer will be consistent with local policy and state law; and

WHEREAS, RCW Chapter 42.56 requires all cities and public agencies to maintain and make available a current index of various public records; and

WHEREAS, RCW Chapter 42.56.070(4) provides that if maintaining such an index would be unduly burdensome, a city need not maintain such an index but it must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly; and

WHEREAS, the City has a long standing and recognized policy of assisting people who request public information and of providing public records upon request and does not plan to deviate from that policy; and

WHEREAS, the City Council desires a new Chapter 1.14 to establish a procedure for providing public records made under the Public Records Disclosure Act Chapter 42.56 RCW; Now, therefore,

**THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO
ORDAIN AS FOLLOWS:**

Section 1. That there be added a new Chapter 1.14 to the Chehalis Municipal Code entitled "Public Records" as follows:

Chapter 1.14 – PUBLIC RECORDS

Sections:

- 1.14.010 Findings.
- 1.14.020 Public records index – Order – Maintenance not required.
- 1.14.030 Public records disclosure – Purpose.
- 1.14.040 Reference.
- 1.14.050 Public records officer responsibility/authority.
- 1.14.060 Definition of terms.
- 1.14.070 Municipal services and central office.
- 1.14.080 Availability of public records.
- 1.14.090 Making request for public records.
- 1.14.100 Processing public records requests.
- 1.14.110 Inspection of public records.
- 1.14.120 Providing copies of public records.
- 1.14.130 Providing records in Installments.
- 1.14.140 Completion of response to inspect public records.
- 1.14.150 Closing withdrawn or abandoned requests.
- 1.14.160 Later discovered documents.
- 1.14.170 Completion of request.
- 1.14.180 No duty to create new records.
- 1.14.190 Processing of public records requests – Electronic records.
- 1.14.200 Exemptions.
- 1.14.210 Costs of providing copies of public records.
- 1.14.220 Review of denials of public records.
- 1.14.230 Appendices.
 - Chapter A - List of Exemptions
 - Chapter B - Organizational Chart

1.14.010 Findings.

- A. RCW 42.56.070(1) requires all cities and public agencies to maintain and make available a current index of various public records.
- B. RCW 42.56.070(4) provides that if maintaining such an index would be unduly burdensome, a city need not maintain such an index but it must issue and publish a formal order specifying the reason why and the extent to which compliance would be unduly burdensome.
- C. The City is comprised of numerous departments, their division and subdivisions, many if not all of which maintain separate databases and/or systems for the indexing of records and information.

- D. Because the City has records which are diverse, complex and stored in multiple locations, and in multiple computer systems and databases, it is unduly burdensome, if not physically impossible, to maintain a central index of records.
- E. The City produces or receives an uncountable number of records each day and maintains an uncountable number of records in numerous city files.
- F. The development and maintenance of a city index would be extremely costly and would provide little benefit to the public compared to the expense in maintaining the index.
- G. The city's operations do not allow for the addition, revision, or reassignment of duties of existing personnel so that an index may be developed and maintained.
- H. Anticipated city revenues do not allow for additional staff for the purpose of creating and maintaining such an index.
- I. Pursuant to RCW Chapter 42.56, the City of Chehalis will disclose all public records, including any indexes that are maintained by the City to the extent such records or indexes are not exempt from disclosure pursuant to RCW Chapter 42.56 or other applicable laws.

1.14.020 Public records index – Order – Maintenance not required.

Pursuant to RCW Chapter 42.56.070(4), the City Council orders the following:

- A. The City of Chehalis is not required to maintain a current index of public records due to findings of the City Council that the requirement to do so is unduly burdensome and would interfere with City operations and such a list is nearly impossible to create and/or maintain; and
- B. Pursuant to RCW Chapter 42.56, the City of Chehalis shall disclose all public records and any indexes of public records maintained by the City to the extent such records are not exempt from disclosure pursuant to RCW Chapter 42.56 or other applicable laws.

1.14.030 Public records disclosure – Purpose.

- A. The purpose of the Public Records Act is to provide the public with full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of efficient administration of government. The Public Records Act provides a statutory framework by which to administer access to public records. The purpose of this chapter is to establish the procedure for obtaining public records from the City of Chehalis as required by RCW Chapter 42.56 as currently enacted or hereafter amended.
- B. The information contained in this document is designed to aid both those requesting public records and those responding to records requests. The document should assist in guiding expectations of requesters and providing notice of a mechanism by which to appeal a records decision, if necessary.

1.14.040 Reference.

- A. RCW Chapter 42.56, Public Records Act.
- B. Chapter 44-14 WAC, Public Records Act – Model Rules

1.14.050 Public records officer responsibility/authority.

- A. The City Clerk is the designated public records officer. The City's public records officer will oversee compliance with the Public Records Act and these procedures. The City's public records officer may delegate the responsibilities of processing requests to other staff. Departments may also designate records coordinators within specific departments to facilitate access to public records within that department, so long as each coordinator is identified to the public records officer.
- B. City staff will provide assistance to requesters, reasonably ensure that public records are protected from damage or disorganization, and prevent fulfilling public records requests from causing excessive interference with essential functions of the City of Chehalis. Assigned City staff will be responsible and held accountable to meet the City's responsibilities of this policy. Failure to do so will result in disciplinary actions.

1.14.060 Definition of terms.

"Active Record" shall be a record used in an office on a routine basis and accessed at least several times per year. Active records are usually kept on-site.

"Archival (Appraisal Required) Record" are records with archival (appraisal required) designation which may possess enduring legal and/or historic value and must be appraised by Washington State Archives on an individual basis. Records not selected for retention by Washington State Archives may be disposed of after appraisal.

"Archival (Permanent Retention) Record" shall mean records with archival (permanent retention) designation which possess enduring legal and/or historic value and must not be destroyed. These records need to either be transferred to Washington State Archives or retained and preserved according to archival best practices until such time as they are transferred to Washington State Archives.

"Essential Record" shall mean a record the City must have in order to maintain or resume business continuity following a disaster. While the retention requirements for essential records may range from very short-term to archival, these records are necessary to resume core functions following a disaster. Security backup of these public records should be created and may be deposited with Washington State Archives.

"Inactive Record" shall mean a record used or accessed in an office infrequently or no longer used in the conduct of current business, but is still required to be kept by the retention schedule for legal or historical purposes. Inactive records may be stored off-site.

"Public Record" as defined by RCW 40.14.010 shall include "...any paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, compact disc meeting current industry ISO specifications, or other document, regardless of physical form or characteristics, and including such copies thereof, that have been made by or received by any agency of the state of Washington in connection with the transaction of public business..." RCW 42.56.010 defines a public record as "...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...” If there is a conflict in the two definitions the City, subject to legal review, will apply the broadest definition.

“Records Disposition” shall mean the action taken with records when they are no longer required to be retained by the agency. Possible disposition actions include transfer to archives and destruction.

“Retention Schedule” is a table setting out requirements adopted by the Washington State Local Records Committee which specifies the length of time each record series will be retained by the agency, whether the record is designated essential, archival, or potentially archival, and final disposition of the record.

“Writing” RCW 42.56.010 states: “Writing means handwriting, typewriting, printing, photostating, 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.”

1.14.070 Municipal services and central office.

- A. The City of Chehalis is a Washington municipal corporation that provides a full range of traditional municipal services to its citizens through various departments. City Hall, the central office, is located at 350 N Market Blvd, Room 101, Chehalis WA 98532 and several field offices exist throughout the City. A City organizational chart is included under Section 1.14.230, Chapter B.
- B. Any person wishing to request access to public records from a single department may make the request to that individual department’s records coordinator or may make a request to the public records officer. Any person seeking assistance in making a request which includes more than one department should contact the public records officer:

City Clerk - Public Records Officer
City of Chehalis
350 N Market Blvd., Room 101
Chehalis, WA 98532
Phone: 360-345-3225
Fax: 360-748-0651
JSchave@ci.chehalis.wa.us

1.14.080 Availability of public records.

- A. Many records are available on the City’s web site at www.ci.chehalis.wa.us. Requesters are encouraged to view the documents available on the web site prior to submitting a records request.
- B. Public records are generally available for inspection and copying during normal business hours of Monday through Friday, 8 a.m. to 5 p.m., excluding legal holidays.

Records must be inspected at an office of the City of Chehalis. Requesters are prohibited from removing records from City offices.

- C. The City will maintain its records in a reasonably organized manner. The City will take reasonable actions to protect records from damage and disorganization.

1.14.090 Making request for public records.

- A. While requesters are not required to specifically name the Public Records Act, they must give reasonable notice that the request is being made pursuant to the act. Requesters must request identifiable records or classes of records that the City can reasonably locate even though they are not required to specifically state the exact record sought. For example, using inexact phrases such as “relating to” a topic (such as “all records relating to the property tax increase”) will need clarification from the requestor to determine what records fairly and directly address the topic.
- B. Any person wishing to inspect or request public records of the City shall make the request in writing on the City’s request form. A form is available for use by requestors at the office of the public records officer and on-line at <http://ci.chehalis.wa.us/forms/cityclerk>. Requests may be made in person, by mail, or fax to the designated records officer set forth in 1.14.070. Email requests must be addressed to the City Clerk, sent to JSchave@ci.chehalis.wa.us, and must include the following information:
 - 1. Name of requester;
 - 2. Date of request;
 - 3. Phone, email, and/or address or other contact information of requester;
 - 4. Identification of the public records adequate for the public records officer or designee to locate the records (title and dates, if known);
 - 5. Location (department) of the requested records, if known;
 - 6. Whether the requester intends to inspect the records or obtain a photocopy of the records, at the cost set forth in Section 1.14.210 of this document; and
 - 7. Method by which the City should contact requester.
- C. City staff will request that a Public Records Request Form be completed. The Public Records Request Form is available at <http://ci.chehalis.wa.us/forms/cityclerk>. However, if the request is by telephone or the requester is in need of assistance, responding staff will confirm receipt of the information and the substance of the request in writing by entering the request information into the City’s tracking system on the requestor’s behalf.
- D. If the record(s) requested is not easily identified, may be kept by multiple departments, or the requester is unsure of where to file the request, the requester should direct the request to the City Clerk’s Office.
- E. Affected staff will be advised by records coordinators to retain possession of records covered by public records requests, including any records that may be scheduled for destruction. City staff may not destroy or otherwise delete covered records until the request is fulfilled.

- F. A requester is not typically required to state the purpose of the request. However, in instances where additional information is required by law or in an effort to clarify or prioritize a request and provide responsive records, the public records officer or designee may inquire about the nature or scope of the request.

1.14.100 Processing public records requests.

- A. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.
- B. Within five business days of receipt of the request (day one is the first working day after the request is received), the public records officer or designee will do one or more of the following:
 - 1. Make the records available for inspection or copying; or
 - 2. Identify an internet location where the record can be accessed. Requesters who cannot access the internet may be provided hard copies of the record; or
 - 3. 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 requester; or
 - 4. Provide a reasonable estimate of when records will be available; or
 - 5. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requester. 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
 - 6. Deny the request.
- C. If the City of Chehalis does not respond in writing within five business days of receipt of the request for disclosure, the requester should consider contacting the public records officer to determine the reason for the failure to respond.
- D. In the event that the requested records contain information that may affect rights of others and/or may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to those persons. Such notice should be given to make it possible for those receiving the notice to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will typically include a copy of the request.
- E. Some records are exempt from disclosure, in whole or in part. If the City believes that a record or portion of a record is exempt from disclosure and should be withheld, the public records officer or designee will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld.

1.14.110 Inspection of public records.

- A. The City will provide a space for persons to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any

document. The requester shall indicate which documents he or she wishes the agency to copy.

- B. Parties wishing to inspect electronic records may be provided copies of the records on a CD or other storage device may be directed to an internet address where the records can be accessed, or may receive records by email. If a requester cannot access records in these ways, the City may provide hard copies or allow a requester to view copies on an agency computer.
- C. The requester must make arrangements to claim or review the assembled records within thirty days of notification that the records are available for inspection or copying.
- D. If the requester fails to claim or review the records within the thirty-day period or make other arrangements, the City may close the request and re-file the assembled records. In the event the requester submits a new request for the same or almost identical records, the process will begin anew.

1.14.120 Providing copies of public records.

After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying. The requester shall pay any applicable deposit prior to copies being made. Full payment for copies must be received prior to delivery of the requested copies.

1.14.130 Providing records in installments.

- A. When the request is for a large number of records or when a portion of responsive records is more readily available than others, the public records officer or designee may 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.
- B. If, within thirty days, the requester fails to inspect the available installments, the public records officer may discontinue his/her search for the remaining records and close the request.

1.14.140 Completion of response to inspect public records.

When the search for requested records is complete and all requested records are provided for inspection, the public records officer or designee will indicate that the City has completed a reasonable search for the requested records and made any located, nonexempt records available for inspection.

1.14.150 Closing withdrawn or abandoned requests.

When the requester either withdraws the request or fails to fulfill his or her obligation to timely inspect the records or fails to pay the required amount due for requested copies, the public records officer will close the request and indicate to the requester that the City has closed the request.

1.14.160 Later discovered documents.

If, after the City has informed the requester that it has provided responsive records, the City becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requester of the additional documents and provide them as soon as possible. However, a public records request is not continuing in nature. If a requester desires additional records created or obtained by the City after the date of the original request, the requester must submit a new request.

1.14.170 Completion of request.

The City's response to a request shall be deemed completed upon the requester's inspection of the records or upon notification that copies of all the requested records are available for payment and delivery or pick up, or that no responsive records exist.

1.14.180 No duty to create new records.

The City is not obligated to create new records to satisfy a records request; however, the City may, at its discretion, create such new records to fulfill the request where the City deems that method of response more expedient.

1.14.190 Process of public records request – Electronic records.

- A. The process for requesting electronic records is the same as for requesting public records in hard copy.
- B. When a requester seeks records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record.
- C. The cost of providing electronic records is addressed in WAC 44-14-07003. It provides, in part,

“... As with charges for paper copies, "actual cost" is the primary factor in charging for electronic records. In many cases, the "actual cost" of providing an existing electronic record is de minimis. However, if the agency has a paper-only copy of a record and the requester requests an Adobe Acrobat PDF copy, the agency incurs an actual cost in scanning the record (if the agency has a scanner at its offices).

- D. With the consent of the requester, the City may provide customized access if the record is not reasonably translatable into the format requested. The City may charge a fee consistent with RCW 43.105.280, which states in part, “. . . Fees for staff time to respond to requests and other direct costs may be included in costs of providing customized access...”

- E. Electronic mail (e-mail) is an informational transfer system which uses computers for sending and receiving messages. Email messages are public records when they are prepared, owned, used, or retained by the City and relate to the conduct of government or performance of any governmental or proprietary function.

1.14.200 Exemptions.

- A. The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requesters should take note that there are many exemptions contained outside of the Public Records Act that may restrict the availability for inspection or release of some documents. Many such exemptions are listed in Section 1.14.230, Chapter A of this document. This list is for informational purposes only and failure to list an exemption shall not affect the efficacy of any exemption.
- B. The City is prohibited by statute from disclosing lists of individuals for commercial purposes.

1.14.210 Costs of providing copies of public records.

- A. Costs for paper copies: There is no fee for inspecting public records, and a requester may obtain standard black and white photocopies of up to fifty pages at no charge. Fifteen cents (\$.15) per page will be charged if the request exceeds fifty pages. For example, a request for fifty-one pages will cost \$7.65. If, at the City's discretion, materials need to be copied by an outside source either due to volume, current workload of City staff, or any other reason, the requester will be charged the actual amount invoiced to the City by the copying vendor.
- B. Fees may be charged above the basic fee schedule if a Department has determined specific charges for a particular record (e.g. police & fire reports, maps).
- C. Envelopes and/or packaging are charged at the actual costs of those supplies.
- D. Postage is charged at the actual postage costs of such postage.
- E. Costs for electronic copies: The cost of electronic copies shall be the actual cost of materials (such as a CD) and the cost to scan the records if scanning is necessary. There will be no charge for e-mailing electronic records to a requester, except where another cost applies. Ten cents (\$.10) per page will be charged for hard copy records that are scanned into electronic format if the request exceeds fifty pages to cover the cost of producing them in electronic format.
- F. In the event a request is estimated to exceed \$25, the City may require the requester to deposit an amount not to exceed 10% of the estimated cost prior to the duplication of record(s).
- G. Payment may be made by cash, check, or money order payable to the City of Chehalis.

1.14.220 Review of denials of public records.

- A. 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 must include a copy of or shall reasonably identify the written statement by the public records officer or designee denying the request.
- B. The public records officer or designee will immediately consider the petition and either affirm or reverse the denial within two business days following the public records officer's receipt of the petition, or within such time as the City and the requester mutually agree.

1.14.230 Appendices.

A. List of Exemptions

Under RCW Chapter 42.56:

<u>RCW</u>	<u>Title</u>
<u>42.56.230</u>	Personal Information
<u>42.56.240</u>	Investigative, law enforcement, and crime victims
<u>42.56.250</u>	Employment and licensing
<u>42.56.260</u>	Real estate appraisals
<u>42.56.270</u>	Financial, commercial, and proprietary information
<u>42.56.280</u>	Preliminary drafts, notes, recommendations, intra-agency memorandums
<u>42.56.290</u>	Agency party to controversy
<u>42.56.300</u>	Archeological sites
<u>42.56.310</u>	Library records
<u>42.56.320</u>	Educational information
<u>42.56.330</u>	Public utilities and transportation
<u>42.56.340</u>	Timeshare, condominium, etc. owner lists.
<u>42.56.350</u>	Health professionals
<u>42.56.360</u>	Health care
<u>42.56.370</u>	Domestic Violence Program, rape crisis center clients
<u>42.56.380</u>	Agriculture and livestock
<u>42.56.390</u>	Emergency or transitional housing
<u>42.56.400</u>	Insurance and financial institutions
<u>42.56.410</u>	Employment security department records
<u>42.56.420</u>	Security
<u>42.56.430</u>	Fish and wildlife
<u>42.56.440</u>	Veterans' discharge papers--Exceptions
<u>42.56.450</u>	Check cashers and sellers licensing applications
<u>42.56.460</u>	Fireworks
<u>42.56.470</u>	Correctional industries workers

Exemptions Outside the Public Records Act:

<u>RCW 2.64.111</u>	Documents regarding discipline/retirement of judges
<u>RCW 2.64.113</u>	Confidentiality - violations

<u>RCW 4.24.550</u>	Information on sex offenders to public
<u>RCW 5.60.060</u>	Privileged communications
<u>RCW 5.60.070</u>	Court-ordered mediation records
<u>RCW 7.68.140</u>	Victims' compensation claims
<u>RCW 7.69A.030(4)</u>	Child victims and witnesses – protection of identity
<u>RCW 7.69A.050</u>	Rights of child victims and witnesses – addresses
<u>RCW 7.75.050</u>	Records of Dispute Resolution Centers
<u>RCW 9.51.050</u>	Disclosing transaction of grand jury
<u>RCW 9.51.060</u>	Disclosure of grand jury deposition
<u>RCW 9.02.100</u>	Reproductive privacy
<u>RCW 9A.82.170</u>	Financial institution records – wrongful disclosure
<u>RCW 10.27.090</u>	Grand jury testimony/evidence
<u>RCW 10.27.160</u>	Grand jury reports – release to public only by judicial order
<u>RCW 10.29.030</u>	Organized crime special inquiry judge
<u>RCW 10.29.090</u>	Records of special inquiry judge proceedings
<u>RCW 10.52.100</u>	Records identifying child victim of sexual assault
<u>RCW 10.77.210</u>	Records of persons committed for criminal insanity
<u>RCW 10.97.040</u>	Criminal history information released must include disposition
<u>RCW 10.97.050</u>	Conviction and criminal history information
<u>RCW 10.97.060</u>	Deletion of certain criminal history record information, conditions
<u>RCW 10.97.070</u>	Disclosure of identity of suspect to victim
<u>RCW 10.97.080</u>	Inspection of criminal record by subject
<u>RCW 13.32A.090</u>	Crisis residential centers notice to parent about child
<u>RCW 13.34.115</u>	Court dependency proceedings
<u>RCW 13.40.217</u>	Juveniles adjudicated of sex offenses – release of information
<u>RCW 13.50.010</u>	Maintenance of and access to juvenile records
<u>RCW 13.50.050</u>	Juvenile offenders
<u>RCW 13.50.100</u>	Juvenile/children records not relating to offenses
<u>RCW 13.60.020</u>	Missing children information
<u>RCW 13.70.090</u>	Citizen juvenile review board – confidentiality
<u>RCW 18.04.405</u>	Confidentiality of information gained by CPA
<u>RCW 18.19.060</u>	Notification to clients by counselors
<u>RCW 18.19.180</u>	Confidential communications with counselors
<u>RCW 19.215.020</u>	Destruction of personal health and financial information
<u>RCW 19.34.240(3)</u>	Private digital signature keys
<u>RCW 19.215.030</u>	Compliance with federal rules
<u>RCW 26.04.175</u>	Name and address of domestic violence victim in marriage records
<u>RCW 26.12.170</u>	Reports of child abuse/neglect with courts
<u>RCW 26.23.050</u>	Child support orders
<u>RCW 26.23.120</u>	Child support records
<u>RCW 26.26.041</u>	Uniform Parentage Act – protection of participants
<u>RCW 26.26.450</u>	Confidentiality of genetic testing
<u>RCW 26.33.330</u>	Sealed court adoption records
<u>RCW 26.33.340</u>	Agency adoption records
<u>RCW 26.33.343</u>	Access to adoption records by confidential intermediary

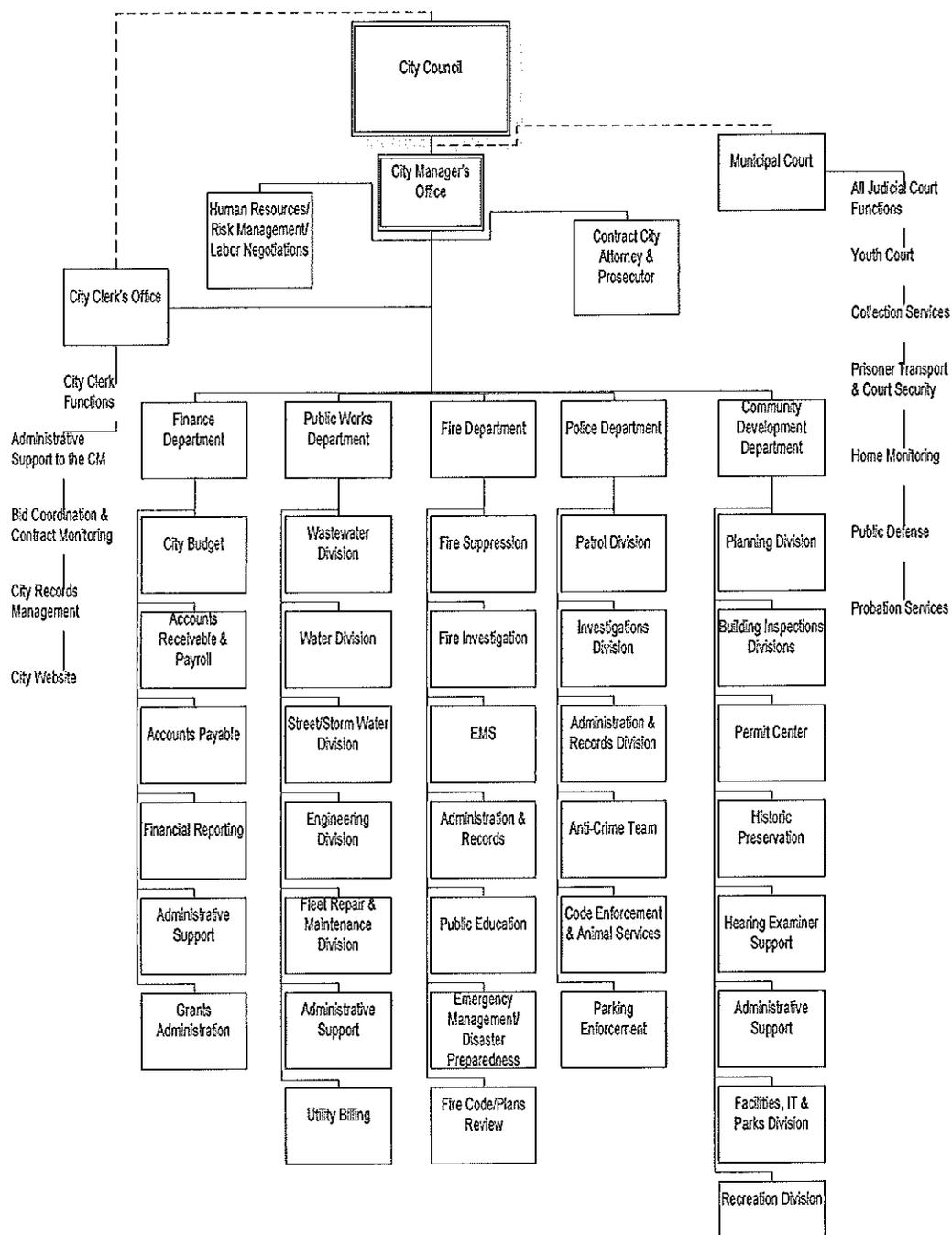
<u>RCW 26.33.345</u>	Release of name of court for adoption or relinquishment
<u>RCW 26.33.380</u>	Adoption – identity of birth parents confidential
<u>RCW 26.44.010</u>	Privacy of reports on child abuse and neglect
<u>RCW 26.44.020(19)</u>	Unfounded allegations of child abuse or neglect
<u>RCW 26.44.030</u>	Reports of child abuse/neglect
<u>RCW 26.44.125</u>	Right to review and amend abuse finding – confidentiality
<u>RCW 27.53.070</u>	Records identifying the location of archaeological sites
<u>RCW 29A.08.720</u>	Voter registration records – place of registration confidential
<u>RCW 29A.08.710</u>	Voter registration records – certain information exempt
<u>Chapter 40.14 RCW</u>	Preservation and destruction of public records
<u>RCW 42.23.070(4)</u>	Municipal officer disclosure of confidential information prohibited
<u>RCW 42.41.030(7)</u>	Identity of local government whistleblower
<u>RCW 42.41.045</u>	Non-disclosure of protected information (whistleblower)
<u>RCW 46.52.080</u>	Traffic accident reports – confidentiality
<u>RCW 46.52.083</u>	Traffic accident reports – available to interested parties
<u>RCW 46.52.120</u>	Traffic crimes and infractions – confidential use by police and courts
<u>RCW 46.52.130(2)</u>	Abstract of driving record
<u>RCW 48.62.101</u>	Local government insurance transactions – access to information
<u>RCW 50.13.060</u>	Access to employment security records by local government agencies
<u>RCW 50.13.100</u>	Disclosure of non-identifiable information or with consent
<u>RCW 51.28.070</u>	Workers' compensation records
<u>RCW 51.36.060</u>	Physician information on injured workers
<u>RCW 60.70.040</u>	No duty to disclose record of common law lien
<u>RCW 68.50.105</u>	Autopsy reports
<u>RCW 68.50.320</u>	Dental identification records – available to law enforcement agencies
<u>Chapter 70.02 RCW</u>	Medical records – access and disclosure – entire chapter (HC providers)
<u>RCW 70.05.170</u>	Child mortality reviews by local health departments
	Public health agency information regarding sexually transmitted disease investigations - confidential
<u>RCW 70.24.022</u>	Transcripts and records of hearings regarding sexually transmitted diseases
<u>RCW 70.24.024</u>	HIV/STD records
<u>RCW 70.24.105</u>	Local health department TB records – confidential
<u>RCW 70.28.020</u>	Jail records and booking photos
<u>RCW 70.48.100</u>	Birth certificates – certain information confidential
<u>RCW 70.58.055</u>	Vital records, research confidentiality safeguards
<u>RCW 70.58.104</u>	Alcohol and drug abuse treatment programs
<u>RCW 70.96A.150</u>	Client records of domestic violence programs
<u>RCW 70.123.075</u>	Records of rape crisis centers in discovery
<u>RCW 70.125.065</u>	Information about mental health consumers
<u>RCW 71.05.390</u>	Applies to mental health records
<u>Ch. 70.02 RCW</u>	Notice of release or transfer of committed person after offense dismissal
<u>RCW 71.05.425</u>	Information that can be released
<u>RCW 71.05.427</u>	Penalties for unauthorized release of information
<u>RCW 71.05.440</u>	Release of mental health information to Dept. of Corrections
<u>RCW 71.05.445</u>	Authorization requirements and access to court records
<u>RCW 71.05.620</u>	

<u>RCW 71.05.630</u>	Release of mental health treatment records
<u>RCW 71.05.640</u>	Access to treatment records
<u>RCW 71.24.035(5)(g)</u>	Mental health information system – state, county and regional support networks – confidentiality of client records
<u>RCW 71.34.340</u>	Mental health treatment of minors – records confidential
<u>RCW 71.34.335</u>	Court records for minors related to mental health treatment
<u>RCW 71.34.345</u>	Release of mental health services information
<u>RCW 71A.14.070</u>	Records regarding developmental disability – confidentiality
<u>RCW 72.09.345</u>	Notice to public about sex offenders
<u>RCW 72.09.585(3)</u>	Disclosure of inmate records to local agencies – confidentiality
<u>RCW 74.04.060</u>	Applicants and recipients of public assistance
<u>RCW 74.04.520</u>	Food stamp program confidentiality
<u>RCW 74.09.900</u>	Medical assistance
<u>RCW 74.13.121</u>	Financial information of adoptive parents
<u>RCW 74.13.280</u>	Children in out-of-home placements - confidentiality
<u>RCW 74.20.280</u>	Child support enforcement – local agency cooperation, information
<u>RCW 74.34.095</u>	Abuse of vulnerable adults - confidentiality of investigations and reports
<u>RCW 82.32.330</u>	Disclosure of tax information
<u>RCW 84.36.389</u>	Confidential income data in property tax records held by assessor
<u>RCW 84.40.020</u>	Confidential income data supplied to assessor regarding real property

Selected Federal Confidentiality Statutes and Rules:

<u>20 USC § 1232g</u>	Family Education Rights and Privacy Act
<u>42 USC 290dd-2</u>	Confidentiality of Substance Abuse Records
<u>42 USC 405(c)(2)(vii)(I)</u>	Limits on Use and Disclosure of Social Security Numbers
<u>42 USC 654(26)</u>	State Plans for Child Support
<u>42 USC 671(a)(8)</u>	State Plans for Foster Care and Adoption Assistance
<u>42 USC 1396a(7)</u>	State Plans for Medical Assistance
<u>7 CFR 272.1(c)</u>	Food Stamp Applicants and Recipients
<u>34 CFR 361.38</u>	State Vocational Rehabilitation Services Programs
<u>42 CFR Part 2 (2.1 - 2.67)</u>	Confidentiality of Alcohol and Drug Abuse Patient Records
<u>42 CFR 431.300 - 307</u>	Safeguarding Information on Applicants and Recipients of Medical Assistance
<u>42 CFR 483.420</u>	Client Protections for Intermediate Care Facilities for the Mentally Retarded
<u>42 CFR 5106a(b)(2)(A)</u>	Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
<u>45 CFR 160-164</u>	HIPAA Privacy Rule

B. Organizational Chart:

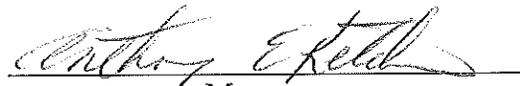


Section 2. Publication. A summary of this ordinance shall be published as required by law.

Section 3. Severability. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall be in full force and effective five days after publication as required by law.

PASSED by the City Council of the City of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting there of this 27th day of June, 2011.



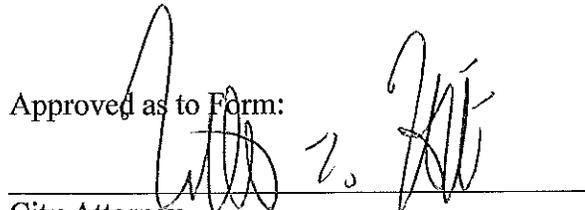
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney