

Public Records Disclosure FREQUENTLY ASKED QUESTIONS

- Q. How are the five business days calculated when responding?**
 A. RCW 42.56.520 provides that a response to a request for public records must be made within five business days. The question is whether the day the request is received counts as one of the five days. The day the request is received does not count as one of the five days. As support for that conclusion, RCW 1.12.040 provides: "The time within which an act is to be done shall be computed by excluding the first day, and including the last, unless the last day is a holiday, Saturday, or Sunday, and then it is also excluded." The general statute appears to be of application throughout the state statutes.
- Q. What public records are exempt from disclosure?**
 A. In general, public records that are exempt from public disclosure are those in the categories listed in RCW 42.56.230-280. Reference must be made to this statute to determine on a case-by-case basis whether a particular record is exempt. When a city denies a request for disclosure of a public record, it must identify the specific statutory exemption upon which the denial is based and provide a brief explanation of how that exemption applies. It should be kept in mind, however, that certain statutes outside of the public records law also prohibit disclosure of particular records.
- Q. Are cities required to create a document when responding to a specific request for public disclosure?**
 A. No. Although there is no Washington case that has decided whether a duty to create an otherwise non-existent document exists under RCW 42.56, there is federal law on this issue. Under the Freedom of Information Act, an agency is not required to create a record which is otherwise non-existent.
- Q. Must records of a city be copied for free for non-profit organizations?**
 A. No. The public records law allows a city to recover a reasonable charge for providing copies of public records to any person. This applies to non-profit corporations as well as private citizens or businesses. The charge may not exceed the amount necessary to reimburse the agency for its actual costs and may not include staff time needed to retrieve the documents.

Basic Fee Schedule

There is no fee for inspecting records.

50 pages or less No Charge *

51 or more pages \$.15 per page*
 (Charge includes first 50 pgs)

Actual Charge If materials need to be copied by an outside source, the requestor pays the actual amount invoiced to the City by the Vendor.

Mailing envelopes or packaging Actual cost of supplies

Postage Actual postage costs

Deposits In the event a records request is estimated to exceed \$25, the City, at its discretion, may require the requestor to deposit an amount not to exceed 10% of the estimated cost prior to the duplication of the record(s).

* **NOTE:** Fees may be charged above the basic fee schedule if a Department has determined specific charges for a particular record, (i.e. police & fire reports, maps).

NOTE

This pamphlet is a guide; it is not a legal document. The State of Washington's basic law regarding public records is in the Public Records Act, Chapter 42.56 RCW. Refer to the act itself for more detailed information.

Many records are available on the City's website at www.ci.chehalis.wa.us. Requesters are encouraged to view the documents available on the website prior to submitting a records request.

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.

The City of Chehalis is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources.

City of Chehalis
Washington

Public
Records
Disclosure



Where Heart and History
Shape Our Future

City Clerk's Office
350 N Market Blvd. Rm 101
Chehalis, WA 98532
360-345-3225

Public Records Disclosure

Which records are public?

A public record is any state or local record relating to the conduct of government or the performance of a governmental function, and which is prepared or retained by any state or local agency. The record may be in a variety of forms, such as: writing, recording, picture, electronic disk, magnetic tape, etc.

All records maintained by the City of Chehalis are available for public inspection unless specifically exempted by law. You are entitled to access public records, under reasonable conditions, and copies of those records upon paying the costs of making the copy.

In most cases, you do not have to explain why you want the records. However, specific information may be necessary to process your request. We may require information necessary to establish if disclosure would violate certain provisions of law.

While, in general, the City of Chehalis provides access to existing public records in its possession, the City is not required to collect information or organize data to create a record not existing at the time of the request. The more precisely you can identify the record you seek, the more responsive we can be.

How do I submit a public records request?

We need it in writing. Our Public Records Request Form is on our website at www.ci.chehalis.wa.us, or request one by contacting the City Clerk's office at 360-345-3225.

The following designated city employees may receive public record requests directly for the specific records identified.

1. The records clerk of the police department, if the request is to inspect and/or copy a police or incident report.
2. The records clerk of the fire department, if the request is to inspect and/or copy a fire or incident report.
3. The records clerk of the Chehalis municipal court, if the request is to inspect and/or copy documents within the control of the court.
4. The utility billing clerk of the public works department, if the request is to inspect and/or copy documents relating to utility billing.

5. The Community Development office if the request is to inspect records pertaining to building plans and such.

Please mail, fax, email or bring all other requests to the City Clerk's Office at City Hall. Requests submitted by email will only be accepted if sent to the City Clerk at JSchave@ci.chehalis.wa.us. You may also request in an alternate written format that contains the following information:



- ◆ Date of request
- ◆ Name
- ◆ Full address
- ◆ Telephone number
- ◆ E-mail address
- ◆ Complete description of requested record(s)
- ◆ Title and date of the requested record(s) if known
- ◆ Indicate if you intend to inspect the records and/or obtain a copy of the record(s)
- ◆ How to contact you when the documents are ready for review or copies are available for pickup
- ◆ If requesting any lists of individuals you will need to certify that the list will not be used in connection with a commercial business or profit-oriented venture per RCW 42.56.070(9)

How will the City respond to my request?

Per RCW 42.56.520, the City will respond to a request for public records within five business days of receipt.

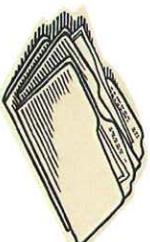
The city will respond by either:

- ◆ Providing the record(s), or the disclosable portion(s) of the record(s), for inspection and/or copying of the record after payment of any applicable fees.
- ◆ Acknowledging receipt of the request and providing a reasonable estimate of the time necessary to respond based on the need to:
 - Request clarification of an unclear request
 - Locate and assemble the information requested
 - Notify persons or agencies affected by the request

- Determine whether any of the information is exempt from disclosure

- Request a deposit before duplication of records

- Denying the request. If a request is denied, a written statement is required of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.



Review of denials of public records

Requesting a review of denials of public records.

RCW 42.56.520 allows for review of denials of public records. Any person who objects to the initial denial or partial denial of a records request may petition in writing to the City Clerk's Office for a review of that decision. The petition shall include a copy of, or reasonably identify, the written statement denying the request.

Consideration of petition for review.

The public records officer or his/her designee will immediately consider the petition and either affirm or reverse the denial within two business days following the City Clerk's Office receipt of the petition, or within such other time as the City Clerk's Office and the requestor mutually agree to.

CITY OF CHEHALIS
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