

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 listed in RCW 42.56. 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

Inspecting records: No Charge

Photocopies:

100 pages or less	No Charge
101 or more pages	\$.15 per page (includes first 100 pgs.)

Scanning paper documents:

100 pages or less	No Charge
101 or more pages	\$.10 per page (includes first 100 pgs.)

Outside Copying Costs: Actual cost invoiced to the city by the vendor

Digital storage media, container, envelope: Actual cost of supplies

Postage/Delivery: Actual postage/delivery costs

Deposits: Requests exceeding \$50 may require a deposit not to exceed 10% of the estimated costs prior to the duplication of records.

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.

City Clerk's Office
350 N Market Blvd. Rm. 101
Chehalis WA 98532

Phone: 360-345-1042
Fax: 360-748-0651
www.ci.chehalis.wa.us

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City of Chehalis
Washington

Public Records Disclosure



Where Heart and History
Shape Our Future

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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 records upon paying the applicable fee(s).

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, or to seek clarification of the request.

While, in general, the City provides access to existing public records in its possession, it 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 360-345-1042.

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

1. The records clerk of the police department to inspect and/or copy a police or incident report.
2. The records clerk of the fire department to inspect and/or copy a fire or incident report.
3. The records clerk of the municipal court to inspect and/or copy documents within the control of the court.
4. The office manager of the public works department to inspect and/or copy documents relating to utility billing.
5. The permit technician of the community development department to inspect and/or copy records pertaining to building plans, etc.

Requestors may 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: cfoley@ci.chehalis.wa.us.

You may also request in an alternate written format that contains the following information:



- ◆ Name
 - ◆ Date of request
 - ◆ Mailing 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 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 for commercial purposes per RCW 42.56.070(8)

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. Day one is the first working day after the request is received. The city will do one or more of the following:

- ◆ Provide the records
- ◆ Provide the records for inspection and copying after payment of any applicable fee(s)
- ◆ Provide an internet address/link to the city website where the records can be accessed
- ◆ Acknowledge receipt of the request and provide a reasonable estimate of the time when records will be available
- ◆ Acknowledge receipt of the request and ask for clarification if the request is unclear and provide a reasonable estimate of time to respond to the request if not clarified



- ◆ Deny 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.

In providing a reasonable estimate of time in responding to a request, please keep in mind that an appropriate amount of time is required to:

- 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

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.

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