



KENNEWICK IRRIGATION DISTRICT POLICY 1.16 Public Records Disclosure

The District is committed to providing full access to public records in accordance with the Washington State Public Records Act (RCW Chapter 42.56). The purpose of the Act is to provide the public with full access to records concerning the conduct of government, mindful of individual privacy rights and the desirability of the efficient administration of government. This administrative regulation is adopted to establish the procedures the District will follow to provide for the fullest assistance to requestors and the most timely possible action on requests while protecting public records from damage and preventing “excessive interference with other essential functions of the agency.” RCW 42.56.100.

1. Definitions.

- 1.1. "Public record" includes 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. RCW 42.56.010.
- 1.2. "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. RCW 42.56.010.

2. **How to Request Records.** Any person wishing to request access to public records or seeking assistance in making such a request should direct their request to the Public Records Officer. The Public Records Officer is located at:

Public Records Officer
Kennewick Irrigation District
2015 S. Ely St.
Kennewick, Washington 99337

Phone: (509) 586-6012 ext. 155
Fax: (509) 586-7663
Email: publicrecords@kid.org

Office hours, Monday through Friday, excluding holidays are generally:

April to October 8:00 a.m. to 5:00 p.m.
November to March 8:00 a.m. to 4:30 p.m.

A variety of records are available on the District’s website at www.kid.org. Requestors are encouraged to view records available on the website prior to submitting a records request.

3. **Form of the Request.** Requests for records should be in writing. Requestors are encouraged to use forms prescribed by the District, which are available at the District Office and on the District’s website. Requests may be submitted in person, by mail, fax, or e-mail. E-mail will be considered received on the date the message is stamped “received”, not on the date sent.

Requests should include the following information:

- The name, mailing address, and daytime phone number of requester;
- The date of the request; and
- The nature of the request, including an identification of the public records adequate for the District Public Records Officer or designee to be able to locate the records.

4. **Response to Requests.** The District will process requests in the order allowing the most requests to be processed in the most efficient manner. Within 5 business days of receiving a request, the District will either (1) provide the record; (2) acknowledge that it has received the request and provide a reasonable estimate of the time it will require to respond to the request; or (3) deny the request. RCW 42.56.520.

Additional time to respond may be based on the need to clarify the intent of the request, to locate and assemble the records, to notify third persons or agencies affected by the request (RCW 42.56.520) and provide such persons with the opportunity to seek a court order preventing disclosure where appropriate, and/or to determine whether any of the information requested is exempt from disclosure.

If a requester fails to clarify an unclear request, the District will treat the request as having been withdrawn. RCW 42.56.520.

Requested records may be made available on a partial or installment basis. If an installment is not claimed, the District will not fulfill the balance of the request. RCW 42.56.120.

All denials of requests for public records will be accompanied by a written statement specifying the reason(s) for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. RCW 42.56.210(3).

This policy does not require the District to answer written questions, create new public records, or provide information in a format that is different from original public records.

5. **Preservation of Public Records.** No member of the public may remove a public record from a viewing area or disassemble or alter any public record.
6. **Mechanism for Review of Denial.** Any person who objects to the denial of a public records request may petition in writing to the Public Records Officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the Public Records Officer or designee denying the request. The Public Records Officer shall perform a review of the denial as promptly as possible. Pursuant to state law, the review shall be deemed concluded at the end of the second business day following the denial. RCW 42.56.520.
7. **Fees.** Under RCW 42.56.120, as amended by 1595 S.L., effective 7/23/2017, state and local agencies may charge members of the public: the actual cost for copying and sending requested records, if the agency conducts a cost study, or; charge fees not to exceed those in

RCW 42.56.120, if the agency declares that a cost study would be unduly burdensome and states the reasons why.

Performing a study to calculate the actual costs the District incurs when providing copies of public records would be unduly burdensome for the following reasons:

- The District utilizes multi-purpose scanner/printers shared by all staff for a variety of purposes as well as many desktop scanners and printers, making determining the actual per page equipment costs for copying or scanning records extremely difficult.
- A large number of staff, with widely differing salary and benefit levels, copy and send records as a part of their work, and the percentage of time each of these staff members spends directly related to copying and sending records also varies widely, making calculating the actual per page labor cost of copying and sending records is onerous and impractical.

The District will, therefore, charge fees to copy and provide public records not to exceed those permitted by RCW 42.56.120 as follows:

- Paper copies: \$0.15 per page
- Records scanned to electronic format upon request: \$0.10 per page
- Upload to email, cloud-based data storage service or other electronic means: \$0.05 per four files or attachments
- Transmission of public records in electronic format: \$0.10 per gigabyte
- Digital storage media or device: actual cost
- Container or envelope used to mail copies to requestor: actual cost
- Postage or delivery charge: actual cost

When public records are mailed to a requestor, a charge for postage and the cost of the envelope or container used may be added if the envelope and postage charge is \$4.00 or more. No fee is charged for inspection of a public record or for locating a record. Fees may be waived if the total amount due is less than \$7.50. Payment of fees is required prior to release of records unless other arrangements have been made.

Customized service charges are charged at actual cost if the District estimates that the request requires use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the District.

8. Deposits and Balances. In the event a request is estimated to exceed \$25, the District may require a deposit of up to 10% of the estimated cost of copying records prior to copying any records for a requestor. The District may charge for each part of a request made on a partial or installment basis as they are made available. The District may require payment of the remainder of the cost before providing remaining records to be provided. If an installment is not claimed or reviewed, the District is not obligated to fulfill the balance of the request, pursuant to RCW 42.56.120

9. Organization of Public Records. The District finds that maintaining an index as provided in RCW 42.56.070(3) for use by the public would be unduly burdensome and would interfere

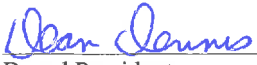
with agency operations given the high volume, various locations, and types of public records received, generated, and otherwise acquired by the District. RCW 42.56.070(4). Notwithstanding the foregoing, the District will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization.

10. Records and Information Exempt from Public Disclosure. The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. RCW 42.56.230 through 42.56.480 contain a large number of exemptions from public inspection and copying. RCW 42.56.070(9) specifically prohibits the District from disclosing lists of individuals for commercial purposes. In addition, documents are exempt from disclosure if any “other statute” exempts or prohibits disclosure. RCW 42.56.070(1). Requestors should be aware of the following exemptions that restrict the availability of some documents held by the District. This list is not exclusive.

- RCW 42.56.230(2) Personal information in files maintained for employees, appointees, or elected officials to the extent disclosure would violate their right to privacy.
- RCW 42.56.240(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person’s right to privacy.
- RCW 42.56.250(1) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.
- RCW 42.56.250(2) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
- RCW 42.56.250(3) Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employee or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records.
- RCW 42.56.250(5) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.
- RCW 42.56.290 Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action.
- RCW 42.56.070(1); RCW 5.60.060(2)(a); RCW 42.56.290; CR 26(b)(4) Attorney-client privileged communications and attorney work product.

- RCW 5.60.060 Privileged communications
- RCW 5.60.070 Court-ordered mediation records
- RCW 42.56.600; RCW 7.07 Mediation communications under the Uniform Mediation Act
- RCW 9A.82.170 Financial institution records
- RCW 18.04.405 Confidentiality of information gained by CPA
- RCW 19.215 Disposal of personal information
- RCW 27.53.070 Records identifying the location of archaeological sites
- RCW 40.14 Preservation and destruction of public records
- RCW 48.62.101 Local government insurance transactions
- RCW 50.13 Employment security records
- RCW 51.28.070 Worker's compensation records
- RCW 51.36.060 Physician information on injured workers
- RCW 60.70.040 No duty to disclose record of common law lien
- RCW 42.56.360(2); RCW 70.02 Medical Records
- RCW 82.32.330 Disclosure of tax information
- 42 USC § 290dd-2 Confidentiality of Substance Abuse Records
- 42 USC 405(c)(2)(viii) Limits on Use and Disclosure of Social Security Number
- 42 CFR Part 2 Confidentiality of Alcohol and Drug Abuse Patient Records
- 45 CFR 160-164 Health Insurance Portability and Accountability Act (HIPAA)

11. Retention. Current revisions of the applicable records retention schedules published by the Washington State Archives should be consulted and followed regarding the disposition of public records.

Date	Rev. #	Action	Signature
May 3, 2011	0	Initial Approval	David McKenzie Board President
Nov. 6, 2012	2	Format change	Gene Huffman Board President
Jan. 8, 2013	3	Revision	Gene Huffman Board President
Feb. 19, 2013	4	Revision	Gene Huffman Board President
June 20, 2018	5	Revision	 Board President