

This memo outlines the City Clerk's Office procedures for both requestors and City Clerk's Staff to provide the public with full legal access to City records in accordance with RCW 42.56.

DEFINITIONS

Writing: Shall have the same definition as RCW 42.56, or other applicable law. Writing includes communication through handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation. Examples of writings include, but are not limited to, letters, words, pictures, sounds, or symbols (or combinations of them), 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.

Public Record: A writing containing information relating to the conduct of government or the performance of any governmental or proprietary function that is prepared, owned, used, or retained by the City agency regardless of its physical form or characteristics.

PRACTICE

The City Clerk's Office shall provide City records requested by the public as provided in this memo unless the requested records are exempt from disclosure under RCW 42.56 or other applicable law.

The City Clerk is the City's Public Records Officer and is responsible for overseeing the City's compliance with the Public Records Act and this memo.

PRACTICE AND PROCEDURE

City Clerk Contact Information

The City's public records office is located at 25 West Main Street, Auburn, Washington 98001. Persons wishing to request City public records or seeking assistance request records should contact the Public Records Officer of the City:

City Clerk
25 West Main Street
Auburn WA, 98001
253-931-3039 (phone)
253-804-3116 (fax)
Recordrequests@auburnwa.gov

Information is also available at the City's website at www.auburnwa.gov.

Availability of Public Records.

Public records are available for inspection and copying during the City's normal business hours: Monday through Friday, 8:00 a.m. to 5:00 p.m. (excluding legal holidays). Original City records must be inspected at the City's public records office.

A requestor shall not take original City records from the City without the permission of the Public Records Officer.

Requesting Public Records.

Many records are available on the City's website: www.auburnwa.gov. Requestors are encouraged to view documents available at this website before submitting a records request.

Requests for public records may be made by telephone, in person, email, or through the City's Public Records Portal, located at www.auburnwa.gov. Records requests should be addressed to the public records officer and include the following information:

- (a) Name and address of requestor;
- (b) Other contact information, including telephone number and any email address;
- (c) Identification of the public records adequate for the Public Records Officer, or designee, to locate the records;
- (d) The date and time of day of the request; and
- (e) Whether the requester wishes to obtain copies of the requested records or only to inspect them.

The Public Records Officer, or designee, will confirm receipt of the information and the substance of the request in writing.

If a requestor wishes to obtain copies of requested records, the Clerk's Office will contact them to make arrangements to pay for the copies or a deposit.

All communications regarding public records requests will be made either in person, over the phone or via the Public Records Portal. The Public Records Officer or designee will note communications in person or over the phone in the City's public records portal.

Processing of Public Records Requests

The Public Records Officer will process public records requests in an order that allows the greatest number of requests to be processed in the most efficient manner.

Processing times for public records requests can vary depending on a request's complexity and volume.

Within 5 business days of receiving a public records request, the Public Records Officer will respond to the requestor as provided by law and City policies. If the City does not respond within 5 business days of receiving the request, the requestor should contact the Public Records Officer.

Protecting rights of others. If requested records contain information that may affect rights of others, the Public Records Officer may notify those others before responding to the request. The notice will give the others a reasonable time to seek a court order preventing or limiting disclosure.

Records exempt from disclosure. Some records are partially or wholly exempt from disclosure. If the City believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will state and briefly explain the specific exemption supporting the withholding. If only part of a record is exempt from disclosure, the Public Records Officer will redact the exempt portions with an explanation for the redaction, and provide the non-exempt portions.

Inspection of Records.

The City's public records office offers space for the public to inspect requested records. No member of the public may remove a document from the viewing space or disassemble or alter any record. The requestor shall indicate which records they want the City to copy (if any).

The City will notify requestors in writing when requested records are available for inspection or copying. The requestor must claim or review records assembled for a request (or request installment) within 15 days of receiving this City notice. If a requestor (or their representative) fails to do so, the City may close the request and refile the assembled records. Subsequent requests by the same person for identical (or nearly identical) records will be processed as a new request.

Providing Copies of Records.

After the requester has inspected their requested records, the Public Records Officer shall make any copies of records the requestor requests or arrange for their copying.

Providing Records in Installments.

The City may provide requested records in a series of installments. If a requestor submits more than one records request, the Public Records Officer may respond to

each request through installments, in the order that each request was received (each subsequent request will be responded to once the prior request is completed). The Public Records Officer may select the order in which installments are processed. If a requestor fails to review a current gathered request installment within 15 days of the City's notification that the records installment is available for inspection or copying, the City may close the entire request and refile the assembled records.

Processing Requests for Electronic Records.

If public records are requested in electronic form, the Public Records Officer will provide non-exempt records in a generally commercially available electronic format that is used by the City, as determined by the Public Records Officer, in conjunction with the City's Information and Technology Department.

Access to electronic records. The Public Records Officer may provide a link to electronic records found on the City's website. Records may also be provided through the City's Public Records Portal or on an external device (such as a USB drive). Copying of electronic records are subject to fees listed in the Fee Schedule. The City will not accept a requestor's external device or provide records via an external link.

Paper records requested electronically are subject to processing fees listed in the City's Fee Schedule.

When all requested copies are provided (other than records exempt from disclosure), the Public Records Officer shall indicate that the City has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

Closing a Withdrawn or Abandoned Request.

When a requestor withdraws or abandons their request, fails to inspect requested records within 15 days, or fails to pay a deposit or final payment for requested copies, the Public Records Officer will close the request.

Later Discovered Records.

If the City learns of additional records responsive to a request after it has informed the requestor that it has provided all available records, it will promptly inform the requestor of the additional records and provide them on an expedited basis.

Exemptions

The Public Records Act provides that several types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits their disclosure.

The City is prohibited by statute from disclosing lists of individuals for commercial purposes [RCW 42.56].

Costs of Providing Copies of Public Records.

There is no fee for inspecting public records. Costs to provide copies of public records are set forth below:

- (a) Costs to obtain paper copies of requested records are listed in the City's fee schedule. The City may waive these fees for records requests made by a state or local agency.
- (b) The Public Records Officer may require the requestor to pay an advance deposit of up to 10% of estimated costs before providing the requested copies. The Public Records Officer may also require the requestor to pay the remainder of the fees before providing all the records, or to pay the fees for a records installment before providing that installment. The City will not charge sales tax when it makes copies of public records.
- (c) The City may charge its actual costs of mailing requested records, including the cost of the shipping container.
- (d) Records requestors can make required payments by cash, check, money order (payable to the City of Auburn), or by Visa or MasterCard (a 3% transaction fee will be charged for credit cards).
- (e) Please refer to the "Public Records Fee Schedule" posted online and available at the City Clerk's office for other costs.

Review of Denials of Public Records.

Any person who objects to a denial or partial denial of a records request may Petition the Public Records Officer in writing (including email) for a review of that decision. The petition shall include a copy of the City's written denial (or shall reasonably identify it).

The Records Clerk or the Public Records Officer shall promptly provide the petition and any other relevant information to the City Attorney, or designee, to conduct the review. The City Attorney will consider the petition and either affirm or reverse the denial within 2 business days of the City's receipt of the petition, or within such other time as the City and the requestor mutually agree to.

Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.