



whatcom county
library system

PUBLIC RECORDS POLICY

POLICY NUMBER: 21.01

REPLACES: Records Retention Policy (1990)

SCOPE: Whatcom County Library System (WCLS) records subject to RCW 42.56.

Purpose

Pursuant to RCW 42.56, it is the policy of WCLS to make available for inspection and copying, upon request, its public records. WCLS espouses open government and, therefore, promotes full access to its public records, provided that when making records available WCLS shall prevent invasions of privacy.

Definitions

A **public record** includes any writing which contains information relating to the conduct of government or the performance of any governmental or proprietary function.

A **writing** includes any form of communication or representation. The forms of communication or representation include documents (paper and electronic), minutes, email, pictures, audio recordings, film, electronic databases, budgets, and charts.

The **requestor** is the person requesting a public record for inspection or copying.

Redact means to remove, delete, or black out information that is exempt from public disclosure.

Public Records Officer Designation

WCLS designates the Director of Finance and Administration as its Public Records Officer. The Public Records Officer shall ensure compliance with the Public Records Act, track all requests for public records, respond to all requests for public records, and coordinate the review and retention of records.

Public Records Requests

All requests either for inspection or for copying of public records shall be made in writing using WCLS' Request for Disclosure of Public Records form. The Public Records Officer or his or her designee shall respond to the request within five (5) business days. The response shall be one of the following based on the information provided by the requestor:

- 1) Make records available for inspection and/or copying.
- 2) Deny the request based on legal reasons.
- 3) Acknowledge receipt and provide an estimate of how much time it will take to provide the record.
- 4) Ask for clarification of the request.

Pursuant to RCW 42.56, the requestor has 30 calendar days to respond to WCLS' request for clarification. If the requestor does not respond by 30 calendar days, WCLS shall consider the public records request abandoned. The Public Records Officer shall send a closing letter to the requestor stating that the request has been closed.

WCLS' public records are available at Administrative Services. WCLS will make available its public records at Administrative Services Monday through Friday, 8:00 a.m. to 5:00 p.m. WCLS public records shall not be removed, disassembled, or altered by the requestor.

WCLS is not obligated to create records that do not exist, obtain records from another agency that WCLS does not have, mail records at WCLS expense, or respond to unclear requests.

Statutory Exemptions

RCW 42.56 prohibits the use of lists of individuals for commercial purposes. Therefore, WCLS shall require that the requestor certify that the request for public records will not be used for commercial purposes. (The certification can be found on the Request for Disclosure of Public Records form.)

According to RCW 42.56.310, any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user is exempt from public disclosure to protect user privacy.

According to RCW 42.56.230, personal information that would violate one's right to privacy is exempt from public inspection and copying. Any personal information, such as residential addresses and phone numbers, medical records, and social security numbers, in files maintained for employees, appointees, or public officials of WCLS are exempt. Routine performance evaluations which do not discuss specific instances of gross misconduct are also exempt. Other items that are exempt include industrial insurance (workers' compensation) claim files and records and any tax information.

According to RCW 42.56.250, applications for employment, including resumes and other related materials submitted with respect to an applicant, are exempt as well as test questions and scoring.

Certain other exemptions are defined in RCW 42.56. If any record is withheld, the Public Records Officer shall cite the legal exemption that authorizes such withholding as well as an explanation for the withholding.

If certain public records contain some material that is subject to public disclosure and some material that is exempt, WCLS shall redact the material that is exempt before providing the records for inspection or copying.

Copying and Mailing Costs

According to RCW 42.56.120, WCLS will charge the requestor at a minimum \$0.15 per page for copying of public records. Actual costs of postage, delivery, and the container will also be charged to the requestor.

WCLS may require a deposit of up to 10% for the estimated costs of copying for large requests and that the requestor make full payment of the copying and mailing costs before providing the records.

Per RCW 42.56.120, WCLS shall not charge for staff time spent in locating a public record, or for making a record available for inspection.

Records Retention Schedules

WCLS adopts the State of Washington Local Records Committee's Local Government General Records Retention Schedule and Records Management guidelines as its public records retention schedule and authorization for destruction. These State guidelines have been reviewed by the State Attorney General and the State Auditor offices. A copy of the Local Government General Records Retention Schedule and Records Management guidelines is on file in the Public Records Officer's office at Administrative Services.

RELATED POLICIES: Confidentiality of Patron Records Policy 5.01.

STATUTORY REFERENCE: RCW 42.56 Public Records Act; WAC 44-14 PUBLIC RECORDS ACT—MODEL RULES.

ADOPTED by the Whatcom County Library System Board of Trustees November 20, 2007.