



whatcom county
library system

PUBLIC RECORDS POLICY

POLICY NUMBER: 21.01

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 that are not exempt under RCW 42.56 or other applicable law.

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. Refer to RCW 42.56.010(4) for a complete definition.

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 Records Management Specialist 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 or designate another individual to respond, and coordinate the review and retention of records.

PUBLIC RECORDS REQUESTS

All requests either for inspection or for copying of public records should be made in writing using WCLS' Public Records Request Form. The Public Records Officer or their designee shall respond to the request within five (5) business days of receipt (excluding the day the request is received, and excluding Saturdays, Sundays, and holidays). 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(s).
4. Ask for clarification of the request.

The Public Records Officer or designee may need to revise an estimate of time to provide the records, and will notify the requestor if so.

If WCLS seeks clarification of an unclear request, the requestor has 30 calendar days to respond to WCLS' request for clarification. If the requestor does not respond within 30 calendar days, WCLS will consider the public records request abandoned. The Public Records Officer or designee will send a closing letter to the requestor stating that the request has been closed.

WCLS will make public records available for inspection and copying at Administrative Services Monday through Friday, 10:00 a.m. to 4:00 p.m. (or such other times as WCLS and the requestor may mutually agree), excluding holidays, provided that inspection may not be available immediately upon demand depending on a variety of factors, including (but not limited to): the scope, nature, and availability of requested records; the need to review and apply exemptions; and the availability of staff to oversee the inspection process to protect public records from damage or disorganization. WCLS will make efforts to arrange for timely access to public records in a manner that avoids excessive interference with other essential functions. WCLS may request that a person seeking to inspect public records schedule an appointment for inspection. WCLS public records shall not be removed, disassembled, or altered by the requestor.

If WCLS denies the request, WCLS will issue a written statement of the reason for the denial. Any person who objects to the initial denial may petition in writing to the Public Records Officer, who will forward it to the Director of Finance and Administration for a review of that decision. The petition shall include a copy or reasonably identify the written statement by the Public Records Officer denying the request. The Director of Finance and Administration will consider the petition within two business days and will either affirm or reverse the denial.

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 that are not clarified upon request.

STATUTORY EXEMPTIONS – EXEMPTIONS LISTED FOR INFORMATIONAL PURPOSES

RCW 42.56 provides that a number of categories of public records are exempt from public inspection and copying. In addition, the Act provides that certain public records may be exempt from disclosure if any other statute or law exempts or prohibits disclosure. WCLS includes a list of exemptions, below, for informational purposes only. This list is not inclusive or exhaustive of all exemptions. WCLS's failure to list an exemption below shall not affect the efficacy of any exemption.

RCW 42.56.070(8) prohibits the disclosure of lists of individuals for commercial purposes. Therefore, if a public records request seeks a list of individuals, WCLS shall require that the requestor provide information necessary to determine if disclosure of the list of individuals is permitted or prohibited by RCW 42.56.070(8). (The Commercial Purpose Declaration can be found on the Public Records Request 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.

According to RCW 42.56.230, personal information in files maintained for employees that would violate their right to privacy is exempt from public inspection and copying.

According to RCW 42.56.250, certain personal information, such as residential addresses and phone numbers, in records related to volunteers and employees of WCLS are exempt. Routine performance evaluations which do not discuss specific instances of gross misconduct are also exempt. Other items that are exempt may

include industrial insurance (workers' compensation) claim files and records and certain tax information. Applications for employment, including résumés and other related materials submitted with respect to an applicant, are exempt as well as test questions and scoring.

Other exemptions are defined in RCW 42.56 and other applicable laws.

If any record is withheld, the Public Records Officer or designee shall cite the legal exemption that authorizes such withholding and provide a brief 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. WCLS shall provide the reason for the redaction and cite the applicable exemption(s).

COPYING AND MAILING COSTS

WCLS may charge fees for providing copies of public records as described below. No fee shall be charged for in-person inspection of public records.

It would be unduly burdensome for WCLS to calculate the actual costs for providing public records. RCW 42.56.070 permits a variety of types of costs to be included in the calculation of "actual costs," and the cost of each item in those categories may change over time. Calculating actual costs on a case-by-case basis for each of those categories for each request would be unduly burdensome for a variety of reasons, including the breadth of categories at issue, the need to track potential changes in the cost of each category over time, and the difficulty of determining the precise costs for some of these categories (such as the "actual cost of the electronic production or file transfer of the record and the use of any cloud-based data storage and processing service") as applicable to each particular public records request. Regarding actual costs of staff time, WCLS would need to track the precise amount of staff time to copy and send requested records for each request. If multiple staff members are involved in this process, WCLS may need to calculate and charge different amounts for different pages or records within a single request, which could be burdensome to track and calculate because WCLS employs over 160 employees who earn different salaries and different rates of pay that may change over time.

Based on the reasons above, WCLS will charge the requestor for photocopies or electronically produced copies of public records in accordance with the charges set forth in RCW 42.56.120(2) for any requests that exceed a total of ten responsive records, as further described in the "Fee Waiver" section below.

According to RCW 42.56.120 (2), WCLS will charge the requestor:

- Fifteen cents (\$0.15) per page for photo copies of public records or printed copies of electronic public records
- Ten cents (\$0.10) per page if public records that exist in paper format must be scanned to electronic format to fulfill a request to have electronic files provided.
- The actual cost of any digital storage media or device provided by WCLS, and the actual costs of postage, delivery, and the container or envelope used to mail copies to the requestor.
- Five cents (\$0.05) per each four electronic files or attachments uploaded to email, cloud-based data storage service, or other means of electronic delivery.
- Ten cents (\$0.10) per gigabyte for the transmission of records in an electronic format.

The charges described above may be combined to the extent that more than one type of charge applies to a particular request. WCLS reserves the right to include a customized service charge pursuant to RCW 42.56.120(3) in addition to the charges described above.

Alternatively, WCLS may choose to charge a flat fee of up to two dollars (\$2.00) for any request as an alternative to the fees described above when WCLS reasonably estimates and documents that the costs above are clearly equal to or more than two dollars. The Public Records Officer shall have discretion to determine when to charge this flat fee in lieu of the charges above.

If requested, WCLS will provide a summary of the applicable charges before any copies are made to allow the requestor to revise the request to reduce the number of copies to be made and reduce the applicable charges.

Fee Waiver: WCLS waives charges when an entire request results in the production of ten or fewer responsive records. The Public Records Officer shall have discretion to determine what constitutes a single “record” for any records where that distinction may be unclear for purposes of this waiver. Such charges will not be waived, however, when it appears that the request or a series of requests have been tailored to take advantage of this waiver.

Payment may be made by personal check or money order made out to Whatcom County Library System. Checks returned to Whatcom County Library System for non-sufficient funds are treated as non-payment. Payments may be mailed to Administrative Services, 5205 Northwest Drive, Bellingham, WA 98226 or presented in person during hours described in the Public Records Request section above. Cash payments will only be accepted in person at Administrative Services.

WCLS may require a deposit of up to 10% for the estimated costs of providing copies for a request and may require that the requestor make full payment of the copying and mailing costs before providing the records for a request (or for each installment of a request, if produced on an installment basis).

If the requestor does not complete the payment requested by WCLS within 30 calendar days, WCLS will treat the request as abandoned and close the request.

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](#)

APPROVALS AND UPDATES

Date	Action	Reviewer	Approved By	Approval Signature
November 20, 2007	Approved.	-	Whatcom County Library System Board of Trustees	/s/ Amory Peck
March 19, 2024	Updated Public Records Officer.	Christine Perkins	Whatcom County Library System Board of Trustees	/s/ Matthew Santos
July 16, 2024	Updated to reflect best practices.	Christine Perkins	Whatcom County Library System Board of Trustees	/s/ Rodney Lofdahl
January 21, 2025	Updated to amend AS hours.	Christine Perkins	Whatcom County Library System Board of Trustees	/s/ Matthew Santos
June 17, 2025	Updated to add language about charging and payments.	Christine Perkins	Whatcom County Library System Board of Trustees	/s/ Rodney Lofdahl