

NORCOM PUBLIC DISCLOSURE POLICY & PROCEDURE

1. PURPOSE

The Public Records Act, chapter 42.56 RCW, requires NORCOM to adopt and enforce policies and procedures to provide full access to public records. The purpose of the Public Records Act is to provide the public with full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of efficient administration of government. The Public Records Act provides a statutory framework by which to administer access to public records. The policies and procedures contained herein are designed to promote prompt and consistent responses to requests for public records and to provide guidance to those who submit such requests.

2. REFERENCES

Chapter 42.56 RCW
Chapter 44-14 WAC

3. DEFINITIONS

For purposes of this policy and procedure, the following definitions apply:

“Act” means the Public Records Act, chapter 42.56 RCW.

“Designee” means the designated NORCOM employee that may process and fulfill a public records request.

“Exempt record” means records or portions of records that are exempt from public disclosure. Exemptions include those identified in the Act or in other statutes incorporated by RCW 42.56.070. Exemption from disclosure of a portion of a record does not automatically exempt the remainder of the record from disclosure. Exempt portions of records may be subject to redaction.

“Extraordinary request” means a request involving exceptionally broad language, substantial coordination, voluminous quantities of responsive records, extensive and detailed review, or other significant resource limitations.

“NORCOM” means the North East King County Regional Public Safety Communication Agency, which provides high quality emergency service communications to the public for emergency medical services, fire, and police. NORCOM receives calls for service; dispatches resources in response to such calls;

tracks and coordinates information flow and resources to assist responders; initiates records for all emergency events; and enhances effectiveness, efficiency, coordination, and interoperability of emergency service providers. NORCOM's central office is located at 450 110th Avenue NE, Bellevue, WA 98004.

“Public record” means 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(3). Electronic records that meet this definition shall be considered a public record.

“Public records request” means a request made to NORCOM pursuant to the Act for disclosure of public records.

“Public Records Officer” or “Public Records Specialist” means the person designated to manage public records requests. NORCOM's Public Records Officer/Public Records Specialist can be contacted by phone at 425-577-5672 or by email at records@norcom.org. Information is also available on NORCOM's website: <http://www.norcom.org/public.cfm.html>.

“Requestor” means the individual making the public records request.

4. PUBLIC DISCLOSURE STAFF

4.1 Public Records Officer/Public Records Specialist. The Public Records Officer/Public Records Specialist shall serve as the primary point of contact for public records access. The Public Records Officer/Public Records Specialist shall have the following responsibilities:

- Oversee compliance with disclosure laws;
- Serve as primary point of contact for public access to public records;
- Serve as a primary point of contact to coordinate NORCOM's response when a request involves multiple record custodians, is broad in scope, or is otherwise complicated to fulfill;
- Serve as a resource to employees on topics related to disclosure of public records;
- Consult with employees about fulfillment of records requests; and
- Maintain NORCOM's public records webpage.

5. POLICY & PROCEDURE FOR PUBLIC DISCLOSURE REQUESTS

5.1 Index. NORCOM has determined by Resolution that maintaining an index of the agency's records is unduly burdensome, costly, and would interfere with agency operations due to the number and complexity of records generated and maintained by NORCOM.

5.2 Submitting Requests. NORCOM prefers that individuals request public records by completing the form available for download on its website: <http://www.norcom.org/docs/misc/PDR%20form.pdf>. Once completed, individuals should email (records@norcom.org) or fax (425-577-5701) the form to NORCOM's Public Records Officer/Public Records Specialist.

Persons wishing to inspect or copy public records may also make the request in writing in person, by regular mail, e-mail, or fax to the designated Public Records Officer/Public Records Specialist. Although there is no mandatory format required to make a public records request, NORCOM may ask the Requestor to use the NORCOM PDR form when receiving an oral request for public records (either in person or by telephone). Requests made orally or in writing other than on the PDR form should contain the same information as the form (name, address, telephone number, and email of Requestor; identification of public records; and date and time of the request). For any questions related to submitting a request, contact the Public Records Officer/Public Records Specialist at 425-577-5672.

A Requestor is not typically required to state the purpose of the request. However, in an effort to clarify or prioritize a request and provide responsive records, the Public Records Officer/Public Records Specialist or designee may inquire about the nature or scope of the request. If the request is for a list of individuals, the Public Records Officer/Public Records Specialist may ask whether the Requestor intends to use the records for a commercial purpose as state law prohibits the disclosure of lists of individuals for commercial purposes.

5.3 Processing Requests

5.3.1 Multiple Requests. To provide the fullest assistance to all Requestors, prevent damage to or disorganization of NORCOM records, prevent excessive interference with other essential NORCOM functions, or ensure the appropriate amount of NORCOM's time and resources will be fairly allocated among all requests and Requestors, NORCOM may do one of the following:

- Process multiple requests from a single Requestor consecutively rather than simultaneously;
- Treat multiple requests from a single Requestor as a single request; or
- Process multiple similar requests from different Requestors together as a group.

5.3.2 Order of Requests. To provide the fullest assistance to all Requestors, NORCOM will process requests in the order that allows the greatest number of requests from the greatest number of Requestors to be processed.

5.3.3 Locating Responsive Records. NORCOM employees shall make a reasonable effort to identify and locate any and all responsive records.

5.3.4 Fullest Assistance. NORCOM's obligation to provide the fullest assistance applies to all Requestors. Fullest assistance does not require NORCOM to ignore or modify its internal operations for responding to public records requests.

5.3.5 Installments. NORCOM may choose to provide records to a Requestor in installments. In the event that NORCOM chooses to do so, NORCOM shall provide a reasonable estimate in its initial written response as to when the first installment will be available.

5.3.6 Exemptions & Redactions. Some records are exempt from disclosure either in whole or in part. If exempt from disclosure in whole, NORCOM shall withhold the record and specify under which exemption the record is being withheld. If exempt from disclosure in part, NORCOM shall redact exempt portions before inspection and shall notify the Requestor of the redaction. NORCOM shall maintain a log of all exempt and redacted records. The following are a list of common exemptions relied upon (but not limited to) by NORCOM:

- Records that are protected by trade secrets law (RCW 19.108);
- Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by NORCOM within five years of the request for disclosure when disclosure would produce private gain and public loss (RCW 42.56.270(1));
- Personal information of NORCOM employees and members of the general public to the extent that disclosure would violate their right to privacy, including but not limited to addresses, phone numbers, Social Security numbers, driver license numbers, voluntary deductions, marriage status,

information about dependents, and any garnishment deductions (RCW 42.56.050, .230(3), .230(5), .230(7), .250(3); 18 U.S.C. §§ 2721, 2725(3));

- Preliminary drafts, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by NORCOM in connection with NORCOM action (RCW 42.56.280);
- 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(1));
- Applications for concealed pistol licenses under certain circumstances (RCW 42.56.240(4));
- Records in investigative files, including police and code enforcement investigations, to the extent nondisclosure is essential for effective law enforcement or for the protection of any person's right to privacy (RCW 42.56.240(1));
- Identifying information for victims or witnesses of crimes under certain circumstances (RCW 7.69A.030, .050; RCW 13.50.100(2); RCW 42.56.240(2), (5));
- Records related to the commission of any crime under certain circumstances (RCW 10.97.030, .050, .070; RCW 13.50.050(3)-(7), (9); RCW 43.43.710);
- Juvenile records under certain circumstances (RCW 13.50.100(2), (7));
- Records created in anticipation of litigation (RCW 42.56.290);
- Records reflecting communication between attorneys and NORCOM employees where legal advice is sought or received (RCW 5.60.060(2));
- Records disclosing vehicle owner or driving record information (RCW 46.12.635; RCW 46.52.130(3));
- Records containing patients' confidential medical information under certain circumstances (RCW 68.50.105(1); RCW 70.02.005(4), .020);
- Records related to reports of abandonment, abuse, financial exploitation, or neglect (RCW 74.34.095);
- Records of a person confined in jail under certain circumstances (RCW 70.48.100).

5.4 Communicating with Requestors

5.4.1 Written Responses. The Act requires NORCOM to provide a written response to all public disclosure requests within five business days (excluding weekends and holidays) of receipt. Initial responses will do one of the following:

- Make the record available for inspection or copying;

- Provide an internet address and link to where the record may be located on the agency's website. Requestors who cannot access the internet will be provided with hard copies of records;
- Acknowledge receipt of the request and provide a reasonable estimate of time required to respond to the request;
- Ask for clarification of a request that is unclear and provide a reasonable estimate of time required to respond to the request if it is not clarified;
- Let the Requestor know there are no responsive records; or
- Deny the request in whole or in part and provide a written statement of the specific reasons for the denial.

If NORCOM does not respond in writing within five business days of a request for disclosure, the Requestor should consider contacting NORCOM to determine whether the request has been received.

5.4.2 Reasonable Estimate of Time. When NORCOM receives a public records request, it will determine a reasonable estimate of time within which it will respond to the request, considering the nature, volume, and availability of the requested records; the amount of time necessary to respond to a particular request and its effect on the amount of employee time that can be devoted to responding to other requests; and the impact on essential NORCOM functions.

5.4.3 Revised Reasonable Estimate of Time. At any time while processing a request, NORCOM may provide the Requestor with a revised reasonable estimate of time within which NORCOM will respond to the request. A revised estimate of time will be based on the factors detailed above in "Reasonable Estimate of Time."

5.4.4 Unclear Requests. In acknowledging receipt of a records request that is unclear, NORCOM will work with the Requestor to clarify what records the Requestor is seeking in addition to providing, to the extent possible, a reasonable estimate of time needed to respond to the request if not clarified. If the Requestor fails to respond to NORCOM's request for clarification and the entire request is unclear, NORCOM need not respond to the request. If any portions of the request are clear, NORCOM will respond to those portions.

5.4.5 Extraordinary Requests. When NORCOM receives an extraordinary request, it may provide a reasonable estimate of time it will take to provide a response.

5.4.6 Third Party Notice. If a public record contains personal information that identifies an individual and/or organization that is the subject of the requested public records, NORCOM may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. NORCOM may take this into account when providing an estimate for when the records may be available.

5.5 Delivering Records

5.5.1 Online Delivery. NORCOM will direct Requestors to any records available online.

5.5.2 Other Methods of Delivery. Parties wishing to obtain copies of electronic records may be provided copies of the records on a CD/DVD/USB or other storage device, may be directed to an internet address where the records can be accessed, or may receive records by email. If a Requestor cannot access records in these ways, NORCOM will provide hard copies.

5.5.3 Inspection of Records. NORCOM provides for inspection of public records by appointment. Appointments shall be scheduled so that they do not disrupt NORCOM's essential operations. Appointments for inspection or copying of public records can be made during normal business hours of Monday through Friday, 8 a.m. to 4:30 p.m., excluding legal holidays.

No member of the public may remove a document from the viewing area or disassemble or alter any document. The Requestor shall indicate which documents he or she wishes the agency to copy.

5.6 Completion of Response Following Inspection or Copying of Records. When the search for requested records is complete and all requested records are provided for inspection or copying, NORCOM will advise the requestor that it has completed a reasonable search for the requested records and made any located, nonexempt records available for inspection and has closed the request.

5.7 Abandoned Requests

5.7.1 Definition of Abandoned Request. NORCOM will deem a request abandoned, whether individual or grouped, if either of the following occurs:

- A requestor fails to arrange to inspect records or claim copies of records, including installments, within 15 days following notification by NORCOM

that responsive records are available for inspection or copying. If, within fifteen days, the Requestor fails to inspect or claim an available installment, NORCOM will discontinue its search for the remaining records and close the request; or

- A Requestor fails to respond to NORCOM’s request for clarification within 30 days of such request and the entire request is unclear.

5.7.2 Effect of Abandoned Request. Once NORCOM deems a request abandoned, whether individual or grouped, NORCOM may stop processing and close the request.

5.8 No Duty to Create New Records. NORCOM is not obligated to create new records to satisfy a records request; however, NORCOM may, at its discretion, create such new records to fulfill the request where NORCOM deems that method of response more expedient. Translating a record into an alternative electronic format at the request of the Requestor or scanning a paper record is not creating a new record.

6. COSTS

6.1 Copying Fees & Electronic Fees. There is no charge for inspection of records. However, NORCOM charges for copies or scans of records according to the fee schedule below. For records in other forms, NORCOM will charge the actual cost it pays for the medium, including but not limited to CDs, DVDs, USB flash drives, and external hard drives. NORCOM may waive any fee for a request if it is determined the fee is unwarranted. NORCOM may enter into a contract or other agreement with a Requestor who provides an alternative fee arrangement to the authorized charges or in response to a voluminous or frequently occurring request.

Photocopies 8.5" x 11", 8.5" x 14", 11" x 17"	15 cents per page*
Digital Media Storage (DVDs, CDs, thumb drives, hard drives, etc.)	Actual costs incurred by agency
Scanned Copies	10 cents per page*

Outside Vendor/Non-standard or Color Copies	Actual costs incurred by agency
Electronic Transmission of Records	5 cents for every four electronic files or attachments, or 10 cents per gigabyte
Custom Service Charge	NORCOM may assess a customized service charge for records requests that require the preparation of data compilations or customized electronic access services that are not used by the agency for other purposes. The fee is in addition to the authorized copying costs, and may include reimbursement for the actual costs of providing the records. NORCOM may not assess a customized service charge unless the agency notifies the requestor, explains the reason for the charge, and provides a cost estimate. The Requestor may amend his or her request to avoid or reduce the costs. A Requestor may seek judicial review of the reasonableness of an agency's estimate for copying charges.
<p>NOTE: Actual costs incurred by the agency <u>may</u> include sales tax. Example: Kinko's, photographs, video, etc.</p> <p>*Two-sided document equals 2 pages</p>	
<p>As an alternative to the authorized default rates above, NORCOM may charge a flat fee of up to two dollars if NORCOM reasonably estimates that the costs allowed are clearly equal to or more than two dollars.</p>	

6.2 Mailing Fees. NORCOM may charge the actual cost of mailing, including the cost of the shipping container (see above).

6.3 Website Fees. NORCOM will not impose copying charges for access to or downloading of records that it routinely posts on its public internet website prior to receipt of a request unless the Requestor has specifically asked NORCOM to provide copies of such records through other means (see above).

6.4 Payment. Payment may be made by cash, check or money order payable to NORCOM.

6.5 Summary of Charges. NORCOM shall provide a summary of applicable costs to the Requestor before copies or work is started, allowing the Requestor to revise their request to reduce costs.

7. APPEALS

7.1 Petition for Internal Administrative Review of Denial of Access. Any Requestor who objects to the initial denial or partial denial of a records request may petition in writing within 30 days of the date of the denial to the Public Records Officer/Public Records Specialist for a review of that decision. The petition shall include a copy of or reasonably identify the written statement from the Public Records Officer/Public Records Specialist denying the request.

7.2 Consideration of Petition for Review. The Public Records Officer/Public Records Specialist or designee shall immediately consider the petition and any relevant information, and shall send a written response to the Requestor within two business days. The written response shall do one of the following:

- Affirm NORCOM's response to the request;
- Reverse NORCOM's response to the request; or
- Inform the Requestor that consideration of the petition for review will require additional time and provide an anticipated date when consideration will be complete.