

PUBLIC DISCLOSURE POLICY AND PROCEDURE

The policy described herein shall be followed as the policy and procedure for the handling of requests for public records within all Offices/Departments of Kittitas County.

It is the written policy of Kittitas County to handle public records requests as follows: RCW 42.56 (Public Records Act, or PRA) as amended shall be the controlling authority for responding to requests for public records. Kittitas County Code (KCC) 2.55 as amended describes the process for handling public records requests to any agency of the County. The Kittitas County website shall provide accurate and easily locatable information about the process for requesting Public Records, including forms, and contact information for the Public Records Officer (PRO) for each agency (Office or Department) of the County. A copy of KCC 2.55 and a screenshot of the relevant portion of the County website shall be posted with this Policy at the main office of each County agency.

Requests for public records may be taken in person, by phone, or by email by any employee of the agency, but each agency should take reasonable steps to ensure that requesters are put in contact with employees who have appropriate knowledge to assist the requester. Requesters should be offered a form (in person, via email, or by being provided the county website link) for the requester to complete in order to obtain complete contact information and assist internal tracking. If the requestor refuses to complete a form, every effort should be made to obtain as much information as possible when taking a request by other means: requestor name, mailing address, email address, and telephone number, as well as clarity on what the requestor wants.

To the extent possible, the employee assisting the requester should make every reasonable effort to ensure that the request is being made to the correct agency. When considering the request, it should be determined if the agency to which the request has been directed is the agency in possession of the records sought. If that agency is not, the request must be recorded as having been made, and then denied within the 5 business day response requirement because the agency does not have the records. If the employee is aware that another agency of the County, or any other entity outside of the County, is the proper source for the record(s) requested or any portion of those records, that employee should assist the requester by explaining that each agency of the County is separate for PRA purposes and assist the requester by referring them accordingly, at a minimum, in the written communication denying the request due to not having the records.

Requests for public records shall be recorded in the County's public disclosure tracking software. A calendar reminder should also be placed on the PRO's calendar recognizing the initial due date of the public records request. A response to a public records request is due five business days

after the request is made, not including holidays. Day one is the day after the request was received.

All records will be uploaded into the County's public disclosure tracking software including original, un-redacted documents. Original documents will be uploaded first, proceeded by any redacted versions to be sent as responsive to the requestor. When uploading the original, un-redacted records that contain potentially sensitive information, please be sure to mark them accordingly (restricted and/or sensitive) when uploading.

For the purposes of this policy, prepared records are defined as records that have been reviewed, appropriate redactions or withholding have been made and a sufficiently detailed exemption log has been prepared explaining the redacted and/or withheld records. The PRO will take the records and respond to the requestor with one letter and set of materials for each instance of contact (in single disclosures or in the event of large disclosures requiring multiple installments). If legal assistance is wanted, the PRO should select this option when working on the request or for each document as to which legal assistance is desired.

All letters, emails and general correspondence with the requestor, along with other communication documenting the process of complying with the request shall be uploaded into the County's public disclosure tracking software.

When any record or part of a record is withheld, an exemption log shall be created giving an adequate description documenting the source of the document, what was withheld, page reference from where it was withheld, how many instances of that withholding occurred and the legal authority (state or federal statute, WAC and/or case law) that allows that withholding. Generally, each page having material withheld should have its own entry on the exemption log. PROs should generally refer to the authority listed on the exemption log and use their letter to make the explanation(s) more clear in order to comply with controlling case law pertaining to such explanations.

The initial response must be made within 5 business days and will include one of the following:

1. If it is possible to complete the response to the request within the initial five day period without excessive interference with essential agency operations, PROs should do so. This response shall contain a description of the responsive materials;
2. An internet address/link on the agency's website to the records requested if the requester has internet access;
3. Acknowledging the request and providing a reasonable estimate of the time required to respond to the request;
4. Acknowledging the request, asking the requester to clarify any portion that is unclear, and providing a reasonable estimate of the time required to respond to the request if it is

not clarified. Any request for clarification must also include an estimate of the time required to begin responding regardless of the clarification need, or

5. Denying the public record request with a proper explanation of the denial.

If the responsive materials are to be sent via email to the requester, a letter of explanation and an exemption log if applicable should also be attached to the email. For large requests that require installments, a letter should be drafted for each installment, explaining the estimated timelines or next due date to the requestor.

Public disclosure dates in the County's public disclosure tracking software should be updated in a timely manner to reflect date changes in accordance with communications with the requestor and any installments on the public records request.

When a public records request is complete, the County's public disclosure tracking software case shall be updated, with all documentation uploaded, all time logged from all involved employees, and closed. The public disclosure case will be retained for two years and 60 days past the closing date of the request. All paper records, electronic records, and the County's public disclosure tracking software records should be retained for this period. When the retention period has been met, all items from all systems should be destroyed, removed, purged and/or deleted as is applicable. This action should be recorded on the County's destruction log applicable to this category of records. Once approved, destruction may take place.

IMPORTANT: If a public disclosure request pertains to or is involved in a litigation matter, that request and its materials will be stored with and retained for the life of the litigation matter (ten years post disposition). The Prosecuting Attorney's Office shall be contacted for more information regarding litigation holds involving public records requests if there is any indication of such litigation.

Formally adopted this _____ day of _____, 20____, at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON

, Chair

, Vice-Chair

, Commissioner

ATTEST:

Clerk of the Board