1. **Public Records Act Policy**

1.1 **General Provisions:**

   1.1.1 It is the policy of the District to release records of the District in compliance with the Public Records Act (the “Act”), set forth in RCW 42.56, and any other applicable provisions of federal or state law. This Policy shall be construed in a manner that is in compliance with RCW 42.56, and consistent with Administrative Rules promulgated in connection therewith, and as they may be modified in the future.

   1.1.2 The purposes of this Policy are to describe the organization of the District; and comply with RCW 42.56, the Public Records Act. Except where these guidelines are mandated by statute, the guidelines in this Policy are discretionary and advisory only and shall not impose any affirmative duty on the District. The District reserves the right to apply and interpret this Policy as it sees fit, and to revise or change the Policy at any time.

   1.1.3 This Policy shall be available at the District’s Main Office and posted on the District’s Website.

1.2 **Organization of the District**

   1.2.1 The District’s Main Office is located at 961 12th Avenue in Longview, WA 98632. All Record Requests shall be received at the Main Office. The Main Office is open 8 a.m. to 5 p.m., Monday through Friday, except legal holidays.

   1.2.2 The District consists of the following business units: Accounting, Administrative Services, Customer Services, Engineering, Operations, and Power Resources.

   1.2.3 The District is managed by a Board of Commissioners.

1.3 **Public Records Officer**

   1.3.1 The District’s Public Records Officer currently is the District’s Contract Manager. The Public Records Officer shall designate an Assistant Public Records Officer. The Assistant Public Records Officer shall carry out all of the Public Records Officer’s duties when the Public Records Officer is not available due to vacation, sick leave or otherwise. All requests must be directed to the Public Records Officer or his/her designee. The Public Records Officer may be contacted in person at the Main Office; via first class mail addressed to the Public Records Officer, PO Box 3007, Longview, Washington 98632; or via email at publicrecords@cowlitzpud.org.
1.3.2 The Public Records Officer must demonstrate sufficient training and acumen in matters pertaining to RCW 42.56. This may be achieved through on-line or live attendance at conferences addressing the Public Records Act, annual declaration filed with the Auditor stating he or she has reviewed the public records policies, or some other combination of training and experience which reasonably assures the public of his or her qualifications to act as the Public Records Officer.

1.3.3 The Public Records Officer may delegate any of its responsibilities to District staff, but remains ultimately responsible for overseeing compliance with the Act and the Policy. The Public Records Officer shall:

1.3.3.1 Be responsible for implementing the District’s process regarding disclosure of Public Records;

1.3.3.2 Serve as the principal contact point with any Requester who has made a Records Request to the District, unless the Public Records Officer has delegated these responsibilities for a particular Records Request to a staff member;

1.3.3.3 Coordinate District staff in this regard, generally ensuring the compliance of the staff with Public Records disclosure requirements;

1.3.3.4 Make the final decision in cooperation with the General Manager and Auditor regarding disclosure and application of exemptions; and

1.3.3.5 Maintain the agency's indices, if any.

1.3.4 All Records Requests shall be made to the Public Records Officer. All subsequent communications from a Requester should also be directed to the Public Records Officer, unless a staff person has been delegated the responsibilities for a particular request.

1.4 How to Make a Public Records Request

1.4.1 Public records may be inspected or copies of Public Records may be obtained by the public at the District’s Main Office upon compliance with the following procedures:

1.4.2 All requests must be directed to the Public Records Officer. The District encourages that all requests be made in writing. A request form, prescribed by the District, is available at the Main Office and on the District’s website. It may be mailed, emailed or delivered in person to the Main Office. In-person requests must be made during the Main Office’s normal business hours. The request should include the following information:

1.4.2.1 The name and address of the Requester;
1.4.2.2 The date of the request;
1.4.2.3 A detailed description of the Record(s) being requested;
1.4.2.4 Whether the Requester wants copies, or wants to inspect the requested Record(s);
1.4.2.5 The address where copies are to be mailed if copies are requested;
1.4.2.6 A statement certifying the records being requested will not be used for a commercial purpose; and
1.4.2.7 The signature of the Requester.

1.4.3 When a Records Request is made orally, the District should confirm the request in writing in its initial 5-day response. Any such request must be made during the Main Office’s normal business hours.

1.4.4 All requests shall be made to the Public Records Officer. If a request is made to any other person, and the requester has actual knowledge of the District’s policy requiring requesters to make requests to the Public Records Officer, the District, at its option, may not respond to the request. Any Records Requests received by District staff other than the Public Records Officer shall be immediately transmitted by staff to the Public Records Officer.

1.4.5 When law enforcement authorities request customer records, in addition to the information listed under section 7.4.2 above, the law enforcement authority must also provide the District with a written statement in which the authority states that it suspects that the particular person to whom the records pertain has committed a crime and the authority has a reasonable belief that the records could determine or help determine whether the suspicion might be true. Nothing in this requirement shall create any right to privacy in customer records.

1.4.6 Only Public Records as defined by RCW 42.56.010 are subject to disclosure. All Public Records are and shall remain the property of the District. Outgoing officials and employees shall deliver such records to their successors. Public Records are preserved, stored, transferred, destroyed, and otherwise managed in accordance with the Public Records Policy, Records Management Policy and applicable state law.

1.4.7 Only existing records may be requested. The District is not required to create a record in response to the Records Request. If a request does not identify an existing record, or if the request is for information and not for a Public Record at all, the District shall so inform the Requester.
1.5  **Procedure for Response to Request**

1.5.1  The District shall respond promptly to a Records Request. Within five business days of receiving a Records Request, the District shall respond by:

1.5.1.1  Providing the record or notifying the Requester that the documents are available; or

1.5.1.2  Acknowledging the request in writing and providing a reasonable estimate of the time the District will require to respond to the request;

1.5.1.3  Seeking clarification from the Requester and providing a reasonable estimate of the time the District will require to respond to that portion of the request that is clear, if any; or

1.5.1.4  Denying the Records Request.

1.5.2  If the District does not respond in writing within five business days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:

1.5.2.1  Consider the request denied; and

1.5.2.2  Petition the Public Records Officer.

1.5.3  Additional time may be necessary to respond to a request based on the need to:

1.5.3.1  Locate and assemble the record(s) requested;

1.5.3.2  Use the requested record in the District’s normal course of business;

1.5.3.3  Notify third parties affected by the request; or

1.5.3.4  Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

1.5.4  In acknowledging receipt of a Records Request that is unclear, the District may ask the Requester to clarify what information the Requester is seeking. If the Requester fails to clarify the request, the District may deem the request abandoned and need not respond to it.

1.5.5  When a Records Request is for a large volume of records, the District may elect to provide records on an installment basis. In such case, the Public Records Officer should provide a reasonable estimate in the Acknowledgement Letter both when the first installment will be available and when the entire request will be completed. If a Requester does not contact the Public Records Officer within 15 days to arrange for
the review of the first installment, the District may deem the request abandoned and stop fulfilling the remainder of the request.

1.5.6 Notice to Third Parties:

1.5.6.1 If a Public Record contains personal information that identifies an individual or organization other than the subject of the requested Public Record, the District may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. The District may send this notice to the individual or organization if releasing the personal information could damage the individual or organization, or government operations, or is not in the best interest of the public. The notice should include:

1.5.6.1.1 The record being requested;

1.5.6.1.2 The date the District intends to release the record; and

1.5.6.1.3 How the individual or organization can prevent release of the record.

1.5.6.2 The District may take this into account when providing an estimate for when the records will be available. The District should also review any contracts with third parties that may contain special notice provisions. The District will release the record by the specified date if no one objects or the contacted party does not respond by the specified date. This procedure shall not create any rights to third parties to such notice.

1.5.6.3 The District may also send a written notice to the Requester notifying him/her that:

1.5.6.3.1 The individual or organization whose personal information is contained in the requested Public Record has been notified;

1.5.6.3.2 The District expects a response from the individual or organization regarding disclosure of their personal information by a specified date; and

1.5.6.3.3 Disclosure may be denied.

1.6 Exemptions

1.6.1 After the District has gathered responsive records, the District shall determine whether an exemption applies to all or part of the record. The District need not make available for inspection and copying Public Records exempt from public inspection
and copying under RCW 42.56 and other records exempt from public inspection and copying under state or federal statute or regulation, including but not limited to:

1.6.1.1 Records that are protected by trade secrets law;

1.6.1.2 Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

1.6.1.3 Personal information in files maintained for Board Members and District employees to the extent that disclosure would violate their right to privacy, including but not limited to addresses, phone numbers, Social Security numbers, voluntary deductions, marriage status, number of dependents, and any garnishment deductions;

1.6.1.4 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 the board in connection with any board action;

1.6.1.5 All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

1.6.1.6 The residential addresses and telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers;

1.6.1.7 Customer addresses, telephone numbers, electronic contact information, and customer-specific utility usage and billing information in increments less than a billing cycle; or

1.6.1.8 Any record which is exempt from disclosure under state or federal law.

1.6.2 The District reserves the right to redact identifying details when disclosing the Public Record if there is reason to believe that disclosure of such details would be an invasion of personal privacy.

1.6.3 When exempt portions of Public Records can be redacted, the remainder thereof shall be open to public inspection and copying.

1.6.4 If the District determines that all or part of a record is subject to an exemption, the District shall prepare and provide to the Requestor a log that contains the following information:
1.6.4.1 A description of the record which all or a portion of is being withheld;

1.6.4.2 The specific exemption authorizing the withholding of the record or portion of the record;

1.6.4.3 An explanation of how the exemption applies to the record or portion of the record being withheld;

1.6.5 Pursuant to the Act, the District reserves the right to seek to enjoin the examination of any specific record, the examination of which the District determines would clearly not be in the public interest and would substantially and irreparably damage any person or would substantially and irreparably damage vital governmental functions.

1.7 Fees for Public Records

1.7.1 No fee shall be charged for the inspection of Public Records.

1.7.2 The District may, at its discretion charge one or more of the following fees for providing Public Records:

1.7.2.1 Fifteen cents per page for standard black-and-white copies;

1.7.2.2 Ten cents per page for any paper documents that are scanned so they can be produced in electronic format;

1.7.2.3 Five cents for every four electronic files or attachments uploaded to an email, cloud storage service, or other electronic delivery system;

1.7.2.4 Ten cents per gigabyte for transmitting records electronically;

1.7.2.5 The actual cost of copying for any non-standard copies or items;

1.7.2.6 One dollar for a CD;

1.7.2.7 Cost of taxes actually charged by any third-party vendor used to make copies; and

1.7.2.8 Postage and shipping costs, including the cost of any containers used in shipping.

1.7.3 The Public Records Officer may elect to waive these fees. Fees will be waived when the expense of billing exceeds the total fees.

1.7.4 Before copying any record, the District may charge a deposit up to 10% of the estimated costs. When records are being produced on an installment basis, the District may charge for each installment. When determining whether to request a deposit, the District shall consider the cost of making the requested copies and any
payment history of the Requester, as well as the administrative burden of seeking a deposit. The decision not to request a deposit shall not serve to waive the District’s right to request a deposit for a future request. If an installment is not claimed and paid for within 15 days, the District is not obligated to fulfill the balance of the Records Request.

1.8 Inspection of Records

1.8.1 Once the Public Records Officer has collected all responsive records (or the first installment if the records are being produced on an installment basis), has reviewed the responsive records and removed exempt records, and has prepared an exemption log, the Public Records Officer shall notify the Requester that the records are available.

1.8.2 If the Requester does not contact the Public Records Officer to arrange for payment of the copies or for review of the records within 15 days after the notice of availability letter was sent, the District may consider the Records Request abandoned, unless the Requester seeks an additional amount of time to review the records.

1.8.3 In order to protect Public Records maintained on the premises of the District from damage or disorganization as required by the Act, the following procedures and practices are hereby instituted:

1.8.3.1 No Public Records shall be removed from District’s Main Office without the Public Records Officer’s permission;

1.8.3.2 Inspection of any Public Records shall be conducted in the presence of the Public Records Officer or designated staff;

1.8.3.3 No Public Record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public;

1.8.3.4 Public Records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by District staff; and

1.8.3.5 Public Records of the District may be copied only on the copying machines of the District unless other arrangements are made by the Public Records Officer.

1.8.4 Inspection shall be denied and the records withdrawn by the Public Records Officer if the Requester, when reviewing records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the District.
1.9 Closing the File

1.9.1 Once all copies of requested records have been provided to the Requester or the Requester has reviewed the requested records, the District may treat the matter as closed.

1.9.2 If 15 days have passed since the Requester was notified that the records were available and the Requester has failed to contact the Public Records Officer to arrange for the review of those records or for payment for copies, the Public Records Officer shall mail the Requester a “closing letter” informing the Requester that the District has fully responded to the Records Request. Upon receipt of the closing letter, the Requester should immediately inform the Public Records Officer if the Requester does not think the District has fully complied, or needs additional time to review the records. If the Requester does not respond within ten business days after the closing letter was sent, the District may treat the matter as closed.

1.10 Index of Public Records

For the reasons stated in Resolution No. 2652, incorporated herein by reference, the District finds that it would be unduly burdensome and would interfere with District operations to maintain an index of records. The District will make available for public disclosure all indices which may at a future time be developed for District use.

1.11 Disclaimer of Liability

1.11.1 Neither the District nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this Policy.

1.11.2 This Policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as “shall,” nothing in this Policy is intended to impose mandatory duties on the District beyond those imposed by state and federal law.