



# Peninsula Metropolitan Park District

## Public Records Disclosure Policy

Policy Number	Resolution Number	Date Approved:	Supersedes the following Resolutions and Policies:
P30-102	R2021-037	December 7, 2021	R2017-006 August 28, 2017  (District Office address updated July 16, 2021 Board Meeting Consent Agenda)  R2009-010 (Adopted June 15, 2009)  R2007-002 (Adopted February 5, 2007)

**Policy:** **Public Records Disclosure Policy**  
 (Adopted by the PenMet Parks Board of Park Commissioners)

**Purpose:** The Washington Public Records Act (PRA), chapter 42.56 RCW, is intended to ensure the disclosure of government information for the benefit of an informed public, mindful of individuals' privacy rights and the desirability of the efficient administration of government. To that end, the PRA requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. RCW 42.56.070 (1). The PRA defines "public record" to include 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). The PRA also requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public

records held by that agency (RCW 42.56.070(2)).

The purpose of this policy is to establish the procedures that the Peninsula Metropolitan Park District (“PenMet Parks” or “District”) staff will follow when reviewing and responding to requests for public records within the PRA framework. The information contained in this document is designed to aid both those requesting public records and those responding to records requests. This policy and procedure should assist in guiding expectations of requesters and providing notice of a mechanism by which to appeal a records decision, if necessary.

The PRA and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, PenMet Parks will be guided by the provisions of the PRA describing its purposes and interpretation. Provided, failure to comply with any provision of this policy shall not result in any liability imposed upon the District other than that required in the PRA.

This policy will be prominently displayed and made available for inspection and copying at PenMet Parks’ administrative office pursuant to RCW 42.56.040.

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## **Policy Requirements:**

### **Section 1. Public Records Officer**

- A.** PenMet Parks is a metropolitan park district formed pursuant to chapter 35.61 RCW. PenMet Parks' administrative office is currently located at 5717 Wollochet Drive NW #3, Gig Harbor, Washington 98335, but is subject to change.
- B.** Any person wishing to request access to public records of PenMet Parks or seeking assistance in making such a request should contact the PenMet Parks' public records officer at the following:

Public Records Officer  
Peninsula Metropolitan Park District  
PO Box 425  
Gig Harbor, WA 98335  
Tel: 253.858.3400  
Fax: 253.858.3401  
Email: admin@penmetparks.org

Information is also available at PenMet Parks' website at [www.penmetparks.org](http://www.penmetparks.org).

- C.** PenMet Parks' public records officer will oversee PenMet Parks compliance with the Public Records Act, but another PenMet Parks' staff member may assist in processing the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and PenMet Parks will provide the "fullest assistance" to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with PenMet Parks' essential functions.

### **Section 2. Availability of Public Records**

- A. Hours for Inspection of Records**  
Public records are available for inspection and copying by appointment and during the hours PenMet Parks' administrative office is open to the public, normally Monday through Friday, 8 a.m. to 5 p.m., excluding legal holidays or other administrative office closures.
- B. Place of Inspection**  
Records will be made available for inspection as determined by the public records officer.
- C. Maintenance and Organization of Records**  
PenMet Parks will maintain its records in a reasonably organized manner.

PenMet Parks will take reasonable actions to protect records from damage and disorganization.

**D. Index of Public Records**

PenMet Parks has determined that maintaining a central index of its records is unduly burdensome, costly, and would interfere with District operations due to the number and complexity of records generated as a result of the wide range of District activities.

**E. Retention of Records**

PenMet Parks is not required to retain all records it creates or uses. The State Attorney General's Local Records Committee approves a general retention schedule for local agency records (including Parks, Recreation and Culture Providers) that are common to most agencies. Retention schedules vary based on the content of the record. Public records may not be destroyed per a retention schedule if a public records request or actual or anticipated litigation is pending.

**Section 3. Making a Request for Public Records**

**A. Internet Access to Records.** Many records are available on the PenMet Parks' website at [www.penmetparks.org](http://www.penmetparks.org). Requestors are encouraged to view records available on the website prior to submitting a records request.

**B. Form of Request.** Any person wishing to inspect or have copies made of PenMet Parks' public records should make the request in writing to the public records officer on a PenMet Parks' request form which is available for use by requestors at the PenMet Parks Administrative office and at [www.penmetparks.org](http://www.penmetparks.org)) or by letter, fax, or e-mail addressed to the public records officer, and including the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any e-mail address;
- Identification of the public records adequate for the public records officer or designee to locate the records; and
- The date and time of day of the request.

It is the duty of the requester to provide the public records request to the public records officer via one of the methods described in this subsection "B". Public record requests which are not submitted via one of the methods described in this subsection "B" may not be recognized as a public records request. As a result, requests for records that are not submitted as provided in this subsection "B" are not subject to the requirements of the Public Records Act.

**C. Identifiable Record.** A requestor must request an identifiable record or class

of records before PenMet Parks must respond to it. An identifiable record is one in existence at the time the records request is made and that PenMet Parks' staff can locate after a reasonable search.

- D. Prioritization of Records.** The Public Records Officer may ask a requester to prioritize the records he or she is requesting so that the most important records may be provided first. A requester need not prioritize a request.
- E. Copies.** If the requestor wishes to have paper or electronic copies of the records made instead of simply inspecting them in the designated location at PenMet Parks' administrative office, the requestor shall so indicate on the form and make arrangements to pay for copies of the records or a deposit. See Section 6 for costs associated with providing paper or electronic copies of records.
- F. Purpose of Request.** A requester need not state the purpose of the request. However, in an effort to clarify or prioritize a request and provide responsive records, the public records officer may inquire about the nature or scope of the request. If the request is for a list of individuals, the public records officer may ask the requester if he or she intends to use the records for a commercial purpose. PenMet Parks is not authorized to provide lists of individuals for commercial purposes. The public records officer may also seek sufficient information to determine if another statute may prohibit disclosure.
- G. Overbroad Requests.** PenMet Parks may not deny a request for identifiable public records solely because the request is overbroad. However, PenMet Parks may seek clarification, ask the requester to prioritize the request so that the most important records are provided first, and/or communicate with the requester to limit the size and complexity of the request. PenMet Parks may also provide the responsive records in installments over time. When a request uses an inexact phrase such as "all records relating to" and declines to clarify the scope of the request, the public records officer may interpret the request to be for records which directly and fairly pertain to the topic. The phrase is inherently ambiguous and requesters are encouraged to avoid using the phrase when possible to avoid unnecessary delays. When the requester has found the records he or she is seeking, the requester should advise the public records officer that the requested records have been provided and the remainder of the request may be cancelled. A request for all or substantially all records prepared, owned, used, or retained by PenMet Parks is not a valid request for identifiable records under the Public Records Act.
- H. Existing Records.** Records requests may only encompass existing records existing at the time of the request. They cannot be used to obtain copies of records not yet in existence or not in the possession of PenMet Parks.
- I. Bot Request.** PenMet Parks will deny a bot request that is one of multiple requests from the requestor to the agency within a twenty-four hour period if PenMet Parks determines that responding to the multiple requests would cause

excessive interference with other essential functions of PenMet Parks.

#### **Section 4. Processing of Public Records Requests—General**

##### **A. Providing "Fullest Assistance"**

- (1) Mindful of the requirements of RCW 42.56.100, to the extent reasonably possible, the public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner. Multiple requests from a single requester may be processed consecutively if the request is for a large number of records or if the request requires significant staff time. If a requester wants a subsequent request prioritized, the requester may either withdraw the earlier request(s) or request in writing that the later request be responded to first.
- (2) Public records requests are an essential function of the Public Records Officer. PenMet Parks finds it reasonable to dedicate up to eight (8) hours per week responding to public records requests. It shall be within the discretion of the public records officer and the Executive Director to exceed such limitation if necessary.

##### **B. Acknowledging Receipt of Request**

Within five (5) business days of receipt of the request, the public records officer will do one or more of the following:

- (1) Make the records available for inspection or provide copies as requested; or
- (2) Provide a hyperlink to the PenMet Parks' website to the specific record requested, except if the requestor notifies PenMet Parks that he or she cannot access records through the internet; or
- (3) Provide a reasonable estimate of when records will be available; or
- (4) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or
- (5) Deny the request.

##### **C. Additional Time.**

If not able to fulfill the request within the 5-business-day period, the public records officer will provide a reasonable estimate of the time it will take to fully respond to the request. Additional time to provide access to records may be needed to clarify the scope of the request, locate and assemble the records, redact confidential information, prepare an exemption log, notify third party

persons or agencies affected by the request or consult with the District's attorney about whether any portion of the records is exempt from disclosure. The public records officer should briefly explain the basis for the time estimated to respond. Should an extension of time be necessary to fulfill the request, the public records officer will provide a revised estimate and explain the changed circumstances that make it necessary.

**D. Consequences of Failure to Respond**

If PenMet Parks does not respond in writing within five (5) business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

**E. Requesting Clarification.**

At the time of PenMet Parks' initial response, or subsequent to PenMet Parks' initial response, PenMet Parks may require the requester to clarify the request in order to provide PenMet Parks with information sufficient to allow PenMet Parks to determine which records are being requested and whether such records relating to the request exist. If the requester fails to respond to a PenMet Parks request to clarify the request within 30 days, and the entire request is unclear, PenMet Parks may consider the request abandoned. Otherwise, PenMet Parks will respond to those portions of the request that are clear. If PenMet Parks considers the request abandoned, it shall notify the requester that the request is closed.

**F. Protecting Rights of Others**

In the event that the requested records contain information that may affect rights of others and/or may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such other persons or entities whose rights may be affected by the disclosure. The notice to the affected persons or entities will include a copy of the request. The notice is intended to make it possible for those other persons or entities to contact the requestor and ask the requestor to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure.

**G. Records Exempt from Disclosure**

Some records are exempt from disclosure, in whole or in part. If PenMet Parks believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted.

**H. Inspection of Records**

(1) Consistent with other demands, PenMet Parks shall promptly provide space at its administrative office to inspect public records. Review of

original records shall be done only in the immediate presence of and under the supervision of the public records officer or designee. The public records officer may limit the maximum time allowed during any working day for supervised review to avoid excessive interference with the District's other essential functions. When the time needed for this purpose exceeds two hours, time periods on a future day or days may be assigned. A requestor shall not remove a document from the viewing area nor disassemble or alter any document.

- (2) The requestor must claim or review the assembled records within thirty (30) days of PenMet Parks' notification to him or her that the records are available for inspection or copying. PenMet Parks will notify the requestor in writing of this requirement and inform the requestor that he or she should contact PenMet Parks to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty (30) day period or make other arrangements, PenMet Parks may close the request and re-file the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

**I. Providing Copies of Records**

After inspection is complete, the requestor may identify the records he or she would like copied and the public records officer or designee shall make the copies. Copies shall be made only by a PenMet Parks' staff member.

**J. Providing Records in Installments**

When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty (30) days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

**K. Completion of Inspection**

When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that PenMet Parks has completed a diligent search for the requested records and made any located non-exempt records available for inspection. When the requested records are inspected and all requested copies are provided, the public records officer will inform the requestor that PenMet Parks has closed the request.

**L. Closing a Withdrawn or Abandoned Request**

When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to

the requestor that PenMet Parks has closed the request.

**M. Later Discovered Documents**

If, after PenMet Parks has informed the requestor that it has provided all available records, PenMet Parks becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

**N. No Duty to Create Records.**

PenMet Parks is not obligated to create a new record to satisfy a records request; however, PenMet Parks may, in its discretion, create such a new record to fulfill the request where it may be easier for PenMet Parks to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request.

**O. No Duty to Supplement Responses.**

PenMet Parks is not obligated to hold current records requests open to respond to requests for records that may be created in the future. If a public record is created or comes into the possession of PenMet Parks after a request is received by PenMet Parks, it is not responsive to the request and will not be provided. A new request must be made to obtain later-created public records.

**P. Requests for Information.**

Requests for information are not public records requests. An agency is not required to conduct research for a requester.

**Q. No Access to PenMet Parks' Network or Systems.**

Requestors shall not be permitted to access or "plug into" PenMet Parks' networks or systems or copy records using personal devices or equipment, such as USBs or scanners, which must be connected to PenMet Parks' equipment in order to copy records.

**R. Request Log**

PenMet Parks will maintain a log of all public records requests submitted. The log will include at least the following information: the identify of the requestor, if known; the date the request was received; the text of the original request; any amendments or clarifications to the original request; a log describing exempted or redacted records, and the date the request was closed.

**S. Liability**

Neither PenMet Parks 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. This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law.

## Section 5. Exemptions

PenMet Parks is not required to permit public inspection and copying of records for which public disclosure of the record is prohibited, restricted or limited by state or federal statute or regulation including the following:

- A. **List of Individuals.** PenMet Parks is prohibited by statute from disclosing lists of individuals for commercial purposes.
- B. **Exempt Records.** The Public Records Act provides that a number of document types and information are prohibited from being disclosed or are exempt from public inspection and copying.
- C. **Other Statutes.** In addition, other statutes may exempt or prohibit disclosure of other documents and information.
- D. **List of Exemptions.** The Municipal Research and Services Center maintains an up-to-date list of current exemptions and prohibitions on their website at [www.mrsc.com](http://www.mrsc.com). The Public Records Exemptions Accountability Committee (Sunshine Committee) also created a list of the statutory exemptions and prohibitions from public records disclosure which is available at [atg.wa.gov/sunshine-committee](http://atg.wa.gov/sunshine-committee).

## Section 6. Costs of Providing Copies of Public Records

- A. **Inspection**  
There is no fee for inspecting public records.
- B. **Basis for Costs / Charges**  
PenMet Parks' actual cost of copying and delivery of a record(s) in each instance would be unduly burdensome to calculate because of the changing variables such as the staff salaries, benefits and other general administrative or overhead expenses incurred by PenMet Parks in fulfilling a specific request, the cost of the medium in which the record(s) is delivered (i.e., paper, CD, etc.) and the cost of the equipment necessary to produce the record on the desired medium. As a result, the costs charged by PenMet Parks are based on the rates provided by statute.
- C. **Costs for Paper Copies of Records**
  - (1) PenMet Parks charges \$0.15 per page for a photocopy of a record and \$0.15 per page for printed copies of electronic records selected by a requestor.
  - (2) Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent (10%) of the

estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment of the records before providing that installment. PenMet Parks will not charge sales tax when it makes paper copies of public records.

**D. Costs for Electronic Copies of Records**

- (1) With respect to electronic copies of records, PenMet Parks charges as follows:
  - a. \$0.10 per page for records scanned into electronic format;
  - b. \$0.05 per each four (4) electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and
  - c. \$0.10 per gigabyte for the transmission of records in an electronic format.
- (2) Before beginning the request, the public records officer or designee may require a deposit of up to ten percent (10%) of the estimated costs of providing all the records selected by the requestor. The public records officer or designee may require a deposit of up to ten percent (10%) of the estimated customized service charge costs for the use of information technology expertise to prepare data compilations or provide customized electronic access services that are not otherwise used by the agency. The public records officer or designee may also require the payment of the remainder of the costs before providing all the records, or the payment of the costs of providing an installment of the records, before providing that installment. PenMet Parks will not charge sales tax when it makes electronic copies of public records.

**E. Costs of Mailing**

PenMet Parks may also charge the actual costs of any digital storage media or device provided by PenMet Parks, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

**F. Customized Service Charge**

- (1) In addition to the charge imposed for providing copies of public records, PenMet Parks may include a customized service charge. A customized service charge may only be imposed if the request requires the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by PenMet Parks for other purposes.

- (2) The customized service charge may not exceed the actual cost of providing the services. PenMet Parks may not assess a customized service charge unless the District has notified the requestor of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimated cost of the charge. The notice also must provide the requestor the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.

**G. Combination of Costs**

The charges or costs in this Section 6 may be combined to the extent that more than one type of charge or cost applies to copies produced in response to a particular request.

**H. Payment**

Payment may be made by cash, check, or money order to PenMet Parks.

**I. Estimate**

A requestor may ask PenMet Parks to provide a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made to reduce the applicable charges.

**Section 7. Review of Denials of Public Records**

- A. Petition for Internal Administrative Review of Denial of Access** If PenMet Parks denies a request, in whole or in part, the requestor may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of, or reasonably identify the written statement by the public records officer or designee denying the request.

**B. Consideration of Petition for Review**

The public records officer shall promptly provide the petition and any other relevant information to the public records officer's supervisor or other PenMet Parks' official designated by PenMet Parks to conduct the review. That person will immediately consider the petition and either affirm or reverse the denial within two (2) business days following PenMet Parks' receipt of the petition, or within such other time as PenMet Parks and the requestor mutually agree to.

**C. Judicial Review**

A requestor may seek court review of a public records request denial pursuant to RCW 42.56.550 at the conclusion of two (2) business days after the initial denial regardless of any internal administrative appeal.