

RESOLUTION NO. 389-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FARMINGTON, WASHINGTON, adopting a Public Records Act Disclosure Policy.

BE IT HEREBY RESOLVED by the Town Council of the Town of Farmington adopts the attached "Town of Farmington Public Records Act Disclosure Policy."

ADOPTED this 21st day of May, 2018.

FARMINGTON TOWN
COUNCIL, by:

Council Member

Council Member

Council Member

Council Member

Council Member

APPROVED:

Mayor

ATTEST:

Clerk

Town of Farmington Public Records Act Disclosure Policy

The Town of Farmington is committed to providing the public full access to public records in accordance with the Washington State Public Records Act (PRA), referenced in *RCW Chapter 42.56* and the Model Rules of *WAC 44-14*. The purpose of the PRA is to provide the public with full access to records concerning the conduct of government, mindful of individual privacy rights and the desirability of the efficient administration of government.

This PRA Disclosure policy establishes the procedures the Town of Farmington will follow to provide for the fullest assistance to requestors including the most timely possible action on requests, while protecting public records from damage and preventing "excessive interference with other essential agency functions." *RCW 42.56.100*

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 Town. The Town reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time.

DEFINITIONS

1. **"The Town of Farmington"** and **"The Town"** includes any office, department, board, commission, or agency of the Town of Farmington. *RCW 42.56.010(1)*.

2. **"Public Record"** includes 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 the Town of Farmington regardless of physical form or characteristics. *RCW 42.56.010(3)*.

3. **"Writing"** means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. *RCW 42.56.010(4)*.

RESPONSIBILITY

Public Records Officer: The Town of Farmington's Public Records Officer is the Town Clerk. Other Town staff members may also process public records requests, as needs require.

Town Attorney: The Town Attorney's Office shall provide legal advice to the Public Records Officer or designee on those occasions when such advice is sought.

PROCEDURE

1. How to Request Records:

Any person requesting access to public records or seeking assistance in making such a request must contact the Town Clerk located at:

Town Clerk/Public Records Officer	Phone: (509) 287-2500
P.O. Box 65	Hours: 3:30 pm to 5:30 pm Mon-Fri
Farmington, WA 99128	

2. Request Format: The Town encourages that all requests for public records be made in writing on a *Request for Access to Public Records Form*, which is available at the Town Clerk's Office. Requests may be submitted in person, orally or by mail. Mail will be considered received on the date the form is stamped "received," not on the date sent. Requests should include the following information:

- A. The requestor's name, mailing address, and contact phone number; and
- B. The date of the request; and
- C. The nature of the request, including a detailed description of the public record(s) adequate for the Town personnel to be able to locate the records.
- D. A statement regarding whether the records are being requested for a commercial purpose; and
- E. Signature of requestor.

Requests for public records made orally must be made to the person identified in this policy during normal business hours.

3. Response to Requests: The Town will process requests in the most efficient manner as the Public Records Officer (defined above) deems appropriate. Within five (5) business days of receiving a request, the Town will either (A) provide the record; (B) acknowledge that the request has been received and provide a reasonable time estimate it will need to respond to the request; or (C) deny the request. Additional time to respond may be based on the need to clarify the intent of the request, to

locate and assemble the records, to notify third parties or agencies affected by the request and provide such parties/agencies with the opportunity to seek a court order preventing disclosure where appropriate, and/or to determine whether any of the information requested is exempt from disclosure. If the requestor fails to clarify an unclear request within 15 days, the Town will treat the request as having been withdrawn. *RCW 42.56.520.*

4. Providing Records in Installments: When the request is for a large number of records, the Town may provide access for inspection and copying in partial installments if reasonably determined that it would be practical to provide the records in that way. If the requestor fails to inspect the entire set of records or one or more of the installments within 15 days, the Public Records Officer may stop searching for the remaining records and close the request. *RCW 42.56.120.*

5. No Duty to Create Records: This policy does not require the Town to answer written questions, create new public records, or provide information in a format that is different from original records; however, the Town may in its discretion, create such a new record to fulfill the request where it may be easier for the Town 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. *WAC 44-14-04003(6).*

6. No Duty to Supplement Responses: The Town is not obligated to hold current records requests open to respond to requests for records that may be created in the future. A new request must be made to obtain later-created public records.

7. Fees: The charge for photocopies is fifteen cents per page or the actual per page cost, whichever is greater. When public records are mailed to a requestor, a charge for postage and the cost of the envelope or container used may be added. No fee is charged for inspection of a public record or for locating a record. Fees may be waived due to the few number of copies made or other circumstances. Payment of fees is required prior to release of records unless other arrangements have been made. *RCW 42.56.120.*

8. Deposit: The Town may require a deposit of up to ten percent (10%) of the estimated cost of copying records prior to copying any records for a requestor. The Town may also require payment of the remainder of the cost before providing all of the records, or the payment of the costs of copying an installment before providing that installment. *RCW 42.56.120.*

9. Availability of Public Records: Public records are available for inspection and copying at the Town Clerk's office during normal business hours: Monday through Friday, 3:30 p.m. to 5:30 p.m., excluding legal holidays. Town personnel and the requestor may make mutually agreeable arrangements for time(s) of inspection and

copying.

10. Preservation of Public Records: No member of the public may remove a public record from a viewing area, disassemble, or alter any public record.

11. Organization of Public Records: The Town finds that maintaining an index as provided in *RCW 42.56.070(4)* for use by the public would be unduly burdensome and would interfere with agency operations. The requirement would unduly burden or interfere with Town operations in the following ways:

(a) The Town is comprised of several departments which maintain separate record-keeping systems for the indexing of records and documents.

(b) Because the Town has records which are diverse, complex and stored in multiple locations and computer systems and databases, it is unduly burdensome to maintain a central index of records.

(c) The Town will fully comply with the provisions of the RCW as they relate to the Public Disclosure Act, under *RCW Chapter 42.56*.

The Town will maintain its records in a reasonably organized manner. The Town will take reasonable action to protect records from damage and disorganization.

12. Closing Abandoned Requests: If the requestor withdraws the request, fails to fulfill his or her obligations to inspect the records within 15 days of notice that the records are available for inspection, or fails to pay the deposit or final payment for the requested copies, Town personnel will close the request. Town personnel will document closure of the request and the conditions that led to closure. *RCW 42.56.120*.

13. Records and Information Exempt from Public Disclosure: The Town 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. The Town is prohibited by statute from disclosing lists of individuals for commercial purposes. *RCW 42.56.070(8)*.

The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. *RCW 42.56.230 through 42.56.480* contains a large number of exemptions from public inspection and copying.

Other statutes outside the Public Records Act may prohibit and exempt disclosure of certain documents or information *RCW 42.56.070(1)*.

14. Denial of Request Date to Exemption: All denials of requests for public records will be accompanied by a written statement specifying the reason(s) for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. *RCW 42.56.210(3)*.

15. Mechanism for Review of Denial: Any person who objects to the denial of a public records request may petition in writing to the Town Clerk for a review by the Town Attorney of that decision. The petition shall include a copy of or reasonably identify the written statement denying the request. The Town Attorney shall perform a review of the denial as promptly as possible. Pursuant to state law, the review shall be deemed concluded at the end of the second business day following the denial to represent final action for the purposes of judicial review. *RCW 42.56.530*.

16. Retention of Records The Town is not required to retain all records it creates or uses. However, the Town will follow *RCW Chapter 40.14*, Preservation and Destruction of Public Records, in the retention and destruction of public records. The State Attorney General's Local Records Committee approves a general retention schedule for local agency records (including cities) that is common to most agencies. Individual agencies may seek approval from the Local Records Committee for retention schedules specific to their agency or that, due to their particular business needs, must be kept longer than provided in the general schedule.

The retention schedule for local agencies is available at www.secstate.wa.gov/archives. Retention schedules for documents vary based on the content of the record. *WAC 44-14-03005*.

17. Disclaimer of Liability: Neither the Town nor any officer, employee, official or custodian shall be liable, or 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. Despite the use of any mandatory term such as "shall," nothing in this policy is intended to impose mandatory duties on the Town beyond those imposed by state and federal law.

ADOPTED May 21, 2018, by Resolution No. 389-18.