



Title:	<b>Requests for Public Records</b>	Effective Date:	<b>Not Set</b>
Categories:	<b>Board of Commissioners</b>	Approved Date:	<b>04/27/2023</b>
Prepared By:	<b>Megan Baker (Executive Assistant)</b>		
Reviewed By:	<b>Diane Blake (Chief Executive Officer), Board Governance Committee</b>		
Approved By:	<b>Diane Blake (Chief Executive Officer)</b>		

**Requests for Public Records Policy**

**Section 1. Authority and Purpose.**

The Washington State Public Records Act, Chapter 42.56 RCW (the “Act”), requires each government agency to make available for inspection and copying nonexempt public records in accordance with published rules. RCW 42.56.070(1). The Act further 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 the agency. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Act, that exempts or prohibits the production of public records held by that agency.

The purpose of this Policy is to provide rules by which the Chelan County Public Hospital District No. 1 (“District”) implements the provisions of the Act for the District's public records. This Policy provides information to persons wishing to request access to public records of the District and establishes processes for both requestors and District staff that are designed to best assist members of the public in obtaining such access.

**Section 2. Interpretation and Construction.**

The provisions of this Policy shall be liberally interpreted and construed to promote full access to the District's public records in order to assure continuing public confidence in government: *provided*, that when making public records available, the District shall prevent unreasonable invasions of privacy, shall protect public records from damage, loss, or disorganization, and shall prevent excessive interference with essential government functions.

**Section 3. Public Records Index.**

A. The District does hereby formally order that maintaining an index of public records pursuant to RCW 42.56.070 would be unduly burdensome for the following reasons:

1. The initial construction and subsequent maintenance of such an index would be a financial burden upon the District.
2. The District does not have sufficient staffing available to initially prepare and subsequently maintain such a comprehensive index.

B. The District shall make available for public inspection and copying any index maintained by the District for District use (if and/or when created and available).

**Section 4. Public Records Available - Public Records Officer.**

A. Public records of the District shall be made available for public inspection and copying pursuant to this Policy, except as otherwise provided by law.

B. The Public Records Officer shall serve as the official point of contact for members of the public who



Title:	<b>Requests for Public Records</b>	Effective Date:	<b>Not Set</b>
Categories:	<b>Board of Commissioners</b>	Approved Date:	<b>04/27/2023</b>
Prepared By:	<b>Megan Baker (Executive Assistant)</b>		
Reviewed By:	<b>Diane Blake (Chief Executive Officer), Board Governance Committee</b>		
Approved By:	<b>Diane Blake (Chief Executive Officer)</b>		

request disclosure of public records. The Public Records Officer shall be responsible for implementation of and compliance with this Policy and the Act.

- C. The Public Records Officer may delegate responsibilities as needed to process and complete any response to a public records request pursuant to this Policy.

**Section 5. Public Records Requests - Process.**

- A. Public records may be inspected and/or copies may be obtained under the following procedures:

1. A request for public records must be directed to the Public Records Officer for the District. A public records request must be for identifiable records. A request for all or substantially all records prepared, owned, used, or retained by the District is not a valid request for identifiable records under this Policy or state law, provided that, a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of the District records.
2. A request for public records must be documented in writing and include the following information:
  - a. The requester's name, mailing address, and telephone number;
  - b. The date of the request;
  - c. A clear indication that the document is a "Public Records Request;"
  - d. Whether the request is to inspect the public records or for paper or electronic copies of public records, or both;
  - e. A clear description of the public records requested for inspection and/or copying and the office or department having custody of the public records;
  - f. If the request is for a list of individuals, a statement that the list will not be used for any commercial purposes or that the requester is authorized or directed by law to obtain the list of individuals for commercial purposes, with a specific reference to such law; and
  - g. Whether the request is for printed or digital copies of the public record.

- B. Records requests may only encompass records existing as of the date of the request. A request cannot be used to obtain copies of records not yet in existence.

**Section 6. Response to Public Records Requests.**

- A. The Public Records Officer shall, to the extent practicable, assist requesters in identifying the public records sought.



Title:	<b>Requests for Public Records</b>	Effective Date:	<b>Not Set</b>
Categories:	<b>Board of Commissioners</b>	Approved Date:	<b>04/27/2023</b>
Prepared By:	<b>Megan Baker (Executive Assistant)</b>		
Reviewed By:	<b>Diane Blake (Chief Executive Officer), Board Governance Committee</b>		
Approved By:	<b>Diane Blake (Chief Executive Officer)</b>		

- B. The District is not obligated to allow inspection or provide a copy of a public record on demand.
- C. Within five (5) business days after receiving a public records request, the Public Records Officer shall respond to the request in writing. The Public Records Officer shall make one or more of the following responses:
  1. The request for inspection of public records is approved and indicating whether an appointment for inspection needs to be scheduled by the requester;
  2. The request for copies of public records is approved and indicating that copies of requested records are enclosed with the response;
  3. The request for copies or inspection of public records is approved, and indicating that the responsive records are available on or through the District website (with either a link or instructions to locate records online);
  4. The request has been received by the Public Records Officer; indicating that additional time is needed to respond to the request; and, stating a reasonable estimate of the time required to respond;
  5. The request has been received by the Public Records Officer and indicating the records shall be provided on a partial or installment basis as the records are identified, located, assembled and/or made ready for inspection or copying;
  6. The request is denied, in whole or in part, whether by withholding a requested record or redacting a requested record, stating the specific exemption(s) prohibiting disclosure and a brief explanation of how the exemption applies to each withheld and redacted record;
  7. There are no records responsive to the request; and/or
  8. Notifying the requestor that the Public Records Officer does not understand the request and requesting that the requestor clarify the request to enable the Public Records Officer to respond to the same.
- D. Any response providing an estimate of the additional time needed will be based upon criteria that can be articulated and may be presented in the response estimating the additional time needed. For example, additional time may be needed under the following circumstances:
  1. To request clarification from the requestor if the request is unclear or does not sufficiently identify the requested records. Such clarification may be requested and provided by telephone or email. If the clarification is made by telephone, the Public Records Officer will confirm the scope of the clarification in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope. If the requestor fails to timely clarify the request, the Public Records Officer will fulfill any portion of the request that is reasonably understood by the Public Records Officer, if possible, and cancel and close the remaining request;



Title:	<b>Requests for Public Records</b>	Effective Date:	<b>Not Set</b>
Categories:	<b>Board of Commissioners</b>	Approved Date:	<b>04/27/2023</b>
Prepared By:	<b>Megan Baker (Executive Assistant)</b>		
Reviewed By:	<b>Diane Blake (Chief Executive Officer), Board Governance Committee</b>		
Approved By:	<b>Diane Blake (Chief Executive Officer)</b>		

2. To locate and assemble the information requested;
  3. To notify third persons or agencies in the event the requested records contain information that may affect rights of others and may be exempt from production. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask them to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request or a statement of the request if no written request was received; or
  4. To determine whether any of the information requested is exempt from production and/or that a denial should be made as to all or part of the request.
- E. If the Public Records Officer does not respond in writing within five 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.

**Section 7. Exempt Records.**

- A. Pursuant to RCW 42.56.070(2), the District hereby adopts the list of laws maintained by the Municipal Research Services Center of Washington (MRSC) as the list containing every law, other than those specifically set forth in the Act or interpretive case law, that the District believes exempts or otherwise prohibits disclosure of specific records or information of the District. Public records and information exempt from disclosure under the Act or any other law are exempt from disclosure under this Policy whether or not such exemption is on any list of exemptions adopted, published, or maintained by the District.
- B. If a record is exempt from production and should be withheld, the Public Records Officer will prepare an exemption log stating the specific exemption and providing a brief explanation of how the exemption applies to the record being withheld. If only a portion of a record is exempt from production, but the remainder is not exempt, the Public Records Officer will redact the exempt portions, produce the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

**Section 8. Locating Responsive Records**

- A. A requestor must request an "identifiable record" or "class of records" before the District must respond. An identifiable record is one that District staff can reasonably locate. The Act does not allow a requestor to search through District files for records which cannot be reasonably identified or described to the District.
- B. Requests for information are not public records requests. The District is not required to conduct legal research for a requestor.
- C. The District is not required to create records to respond to a request. However, with prior approval of the requestor, the District may create a record if doing so would simplify the response for the District and provide the requestor with the records or information requested. The District will determine, in



Title:	<b>Requests for Public Records</b>	Effective Date:	<b>Not Set</b>
Categories:	<b>Board of Commissioners</b>	Approved Date:	<b>04/27/2023</b>
Prepared By:	<b>Megan Baker (Executive Assistant)</b>		
Reviewed By:	<b>Diane Blake (Chief Executive Officer), Board Governance Committee</b>		
Approved By:	<b>Diane Blake (Chief Executive Officer)</b>		

its sole discretion, if a record may be created in order to facilitate a response to a public record request.

**Section 9. Production of Records**

- A. Public records may be inspected at the District property during normal business hours when the administrative office is open. However, the District is not required to allow inspection immediately upon a demand.
  - 1. The Public Records Officer may request that the person seeking to inspect public records schedule an appointment for inspection.
  - 2. No member of the public may remove a document from the viewing area or disassemble or alter any document.
  - 3. The requestor shall indicate which documents he or she wishes the District to copy or scan, if any, and provide payment for those copies or scans.
  - 4. The requestor must claim or review the assembled records within 30 days of the Public Records Officer’s notification that the records are available for inspection or copying/scanning. If the requestor or a representative of the requestor fails to claim or review the records within the 30-day period or make other arrangements, the Public Records Officer may close the request and re-file the assembled records.
  
- B. When the request is for a large number of records, the Public Records Officer may provide access for inspection and copying in installments, if the Public Records Officer reasonably determines that it would be practical to provide the records in that manner. If, within 30 days, the requestor fails to inspect the entire set of records or one or more of the installments (including making suitable arrangements to obtain copies in lieu of inspection), the Public Records Officer may stop searching for the remaining records and close the request.
  
- C. In the event a requestor fails or refuses to timely inspect available records, to clarify a request within a requested timeframe, to pay the deposit, or to make payment for any requested copies, the Public Records Officer will close the request and so inform the requestor.
  
- D. If, after the Public Records Officer has informed the requestor that he or she has provided all available records, the Public Records Officer becomes aware of additional responsive documents existing at the time of the request that had not been provided previously, the Public Records Officer will promptly inform the requestor of the additional documents and provide them on an expedited basis.

**Section 10. Costs of Providing Copies of Public Records.**

- A. No fee shall be charged for the inspection of public records. Fees shall be charged, as further set forth below, for any copies of records that are requested during an inspection.
  
- B. No fee shall be charged for locating public documents and making them available for inspection.



Title:	<b>Requests for Public Records</b>	Effective Date:	<b>Not Set</b>
Categories:	<b>Board of Commissioners</b>	Approved Date:	<b>04/27/2023</b>
Prepared By:	<b>Megan Baker (Executive Assistant)</b>		
Reviewed By:	<b>Diane Blake (Chief Executive Officer), Board Governance Committee</b>		
Approved By:	<b>Diane Blake (Chief Executive Officer)</b>		

C. The District has not calculated the actual cost to provide copies of public records as doing so would be unduly burdensome to the District staff. As a result, the District charges the maximum fees and charges authorized to be charged for providing paper and electronic copies of public records set forth in RCW 42.56.120, as existing or hereafter amended. The District shall charge the following:

1. The maximum per page copy charge set forth in RCW 42.56.120(2)(b)(i), as existing or hereafter amended, for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of District equipment to photocopy public records.
  - a. Fifteen cents per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of agency equipment to photocopy public records.
2. The maximum per page copy charge set forth in RCW 42.56.120(2)(b)(ii), as existing or hereafter amended, for public records scanned into an electronic format or for the use of District equipment to scan the records.
  - a. Ten cents per page for public records scanned into an electronic format or for the use of agency equipment to scan the records.
3. The maximum per file charge set forth in RCW 42.56.120(2)(b)(iii), as existing or hereafter amended for each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery.
  - a. Five cents per each four electronic files or attachments uploaded to email, cloud-based data storage service, or other means of electronic delivery.
4. The maximum per gigabyte charge set forth in RCW 42.56.120(2)(b)(iv), as existing or hereafter amended, for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically.
  - a. Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically. The agency shall take reasonable steps to provide the records in the most efficient manner available to the agency in its normal operations.
5. Actual costs of any digital media or device provided by the District and/or the actual costs of any container or envelope used to mail or provide copies to the requestor.
6. Actual costs to reproduce other non-standard size documents shall be charged.
7. Actual mailing costs shall be charged.

D. In addition to the charges imposed for providing copies of public records set forth above, the District may include a customized service charge for responses to certain requests. A customized service charge may only be imposed if the District determines that the request would require the use of



Title:	<b>Requests for Public Records</b>	Effective Date:	<b>Not Set</b>
Categories:	<b>Board of Commissioners</b>	Approved Date:	<b>04/27/2023</b>
Prepared By:	<b>Megan Baker (Executive Assistant)</b>		
Reviewed By:	<b>Diane Blake (Chief Executive Officer), Board Governance Committee</b>		
Approved By:	<b>Diane Blake (Chief Executive Officer)</b>		

information technology expertise to prepare data compilations or provide customized electronic access services when such compilations and customized access services are not used by the District for other District purposes.

1. The customized service charge may reimburse the District up to the actual cost of providing the services in this subsection.
  2. The District may not assess a customized service charge unless the Public Records Officer, or designee, 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 their request in order to avoid or reduce the cost of a customized service charge.
- E. The Public Records Officer is authorized to request a pre-payment deposit in an amount estimated to cover up to ten percent (10%) of the actual copying and mailing costs. If the deposit is not paid as requested, the Public Records Officer will cancel the request.
- F. To the extent any statute provides a specific charge for reproduction of records, the District will charge the amount authorized pursuant to the other statutes rather than as provided under the Act.
- G. The District must receive payment, in full, for the costs and charges to provide the records, including any installment of records, as authorized by this chapter on or before the date the records are made available to the requestor. The District will not mail or otherwise release records until payment has been received for the available records or installment of records. Failure to pay for or pick up any records or installment of records within 30 days of notice of availability of the records will result in cancellation of the request for public records.
- H. The District may elect not to charge a requestor.

**Section 11. Electronic Records.**

- A. The District produces and maintains data in electronic records to maximize efficiency in fulfilling its basic public service functions. Electronic records are public records subject to disclosure under the Act and this Policy, unless exempt from disclosure under state or federal law. The process for requesting electronic public records is the same as for requesting paper public records.
- B. If public records are requested in an electronic format, the Public Records Officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the District and is generally commercially available, or in a format that is reasonably translatable from the format in which the District keeps the record. However, if an electronic record necessitates redaction due to an exemption, the District is under no obligation to provide the redacted record electronically.
- C. At the option of the Public Records Officer, and if acceptable to the requester, electronic records may be printed and provided in paper format. If the electronic record is large and/or not capable of being



Title:	<b>Requests for Public Records</b>	Effective Date:	<b>Not Set</b>
Categories:	<b>Board of Commissioners</b>	Approved Date:	<b>04/27/2023</b>
Prepared By:	<b>Megan Baker (Executive Assistant)</b>		
Reviewed By:	<b>Diane Blake (Chief Executive Officer), Board Governance Committee</b>		
Approved By:	<b>Diane Blake (Chief Executive Officer)</b>		

printed in an understandable format, then the electronic record may be provided in the digital format in which the record is maintained by the District. The District does not have the obligation to convert an electronic record to a digital or other format that is different than the format maintained by the District.

1. Fees for providing electronic records in electronic form shall be based on the actual cost of the media used to provide the records. Overhead for information system acquisition and maintenance shall not be included in such fees. The fees for providing electronic records are set forth in Section 10, above.

D. The District does not warrant or in any way guarantee the accuracy or completeness of electronic records.

**Section 12. Review of Denials of Public Records Requests.**

- A. Any person who objects to the denial of a request for a public record, including an alleged failure to produce responsive records, may petition the Public Records Officer or authorized designee for prompt review of such decision by delivering a written request to the Public Records Officer and including all written responses by the Public Records Officer denying the request.
- B. The Public Records Officer shall affirm, modify or reverse the denial in writing within five (5) business days following receipt of the written request for review, or within such other time to which the District and the requestor may mutually agree.
- C. The District shall be deemed to have made a final decision denying a request for public records only after a review conducted under this section has been completed, or a failure to timely review has occurred.

**Section 13. Protection of Public Records.**

- A. The Public Records Officer shall, to the extent practicable, ensure that records requested are not misplaced, mistreated, or misfiled by members of the public during inspections and not removed from the District office. Original public records shall not be released to the public for any purpose.
- B. If a public record request is made at a time when a record exists, but the record is scheduled for destruction in the near future, the Public Records Officer shall direct that the record be retained until the request is resolved. The District shall not destroy any record scheduled for destruction that may be responsive to a pending request for public records. Any such record may only be destroyed upon completion of the request.

**Section 14. Copies of Policy Available to Public.**

Copies of this Policy shall be available to and provided to the public, without cost, at the District’s main office. Copies of this Policy will also be made available, without cost, on the District’s website.