

Mason County PUD No. 3 Policy

Policy Name: Public Records Disclosure Policy		
Effective Date: April 24, 2018		Policy No.: Adm/PubDi/h
Approved By: Commission	Compliance: RCW Compliance	Responsible Party: Records Supervisor
Department: Administration		Suggested Review: Every 2 Years

Policy: Mason PUD 3, hereinafter “THE DISTRICT” shall provide for inspection and copying of requested public records as provided in this policy and procedure, unless such records are exempt from disclosure under **RCW 42.56** or other law under which disclosure is regulated. THE DISTRICT staff shall provide assistance to requesters in obtaining the public records they seek.

Purpose: The purpose of the Public Records Act (**RCW 42.56**) is to provide the public with full access to information concerning the conduct of government, mindful of individuals’ privacy rights and the desirability of efficient administration of government.

Scope: This policy and procedure is established to provide a method by which Mason THE DISTRICT staff will review and respond to requests for public records within the requirements of the Public Records Act. The information contained in this document is designed to aid both those requesting public records and those responding to records requests.

RESPONSIBILITIES:

Staff:

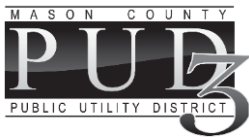
It is the policy of Mason PUD 3 to comply with the laws governing the disclosure (release) of public records, to provide assistance to requestors, and for all District staff to be aware of the Public Records Act and policy.

The District has determined by Resolution No. 1182, that indexing of the vast number of records which would be classified under the provisions of **RCW 42.56.70 (3)** would be unduly burdensome, costly, and would interfere with agency operations due to the number and complexity of records generated.

The District has also determined by Resolution No. 1709, that calculating the actual costs associated with providing public records would be unduly burdensome due to the number and complexity of the records generated in addition to the variety of technologies involved and therefore will utilize the fees outlined in **RCW 42.56.120 (2)(b)** which are listed in the procedures section “(9) Charges” of this document.

Definitions:

1. Act: Refers to the Public Records Act, Chapter 42.56 RCW.
2. District: refers to the Public Utility District No. 3 of Mason County.
3. Main Office: is defined in Section B of this Policy.
4. Policy: refers to this policy for the Public Records Act.
5. Public Records Officer: is the person identified in Section C of this Policy.



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6. Records Request: means a request for Public Records made to the District pursuant to the Act.

7. Requester: means the person or entity that has made a Records Request to the District.

What is a Public Record?

RCW 40.14.010 defines public record as "...any paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, compact disc meeting current industry ISO specifications, or other document, regardless of physical form or characteristics, and including such copies thereof, that have been made by or received by any agency of the state of Washington in connection with the transaction of public business..."

RCW 42.56.010 external link(3) defines a public record as "...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..."

PROCEDURE:

1.0 Public Records Officer Training

1.1 The District must appoint a public records officer to oversee agency compliance with the PRA. Within 90 days of appointment and every four years thereafter, each records officer must complete PRA compliance and records retention training that includes, but is not limited to, records management and retention, production and disclosure of electronic documents, including updating and improving technology information systems.

2.0 District Location and Hours for Records

2.1 The District's main office is located at: Records Department
2621 E. Johns Prairie Road
Shelton, WA 98584
records@masonpud3.org

2.2 The District's hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except designated holidays.

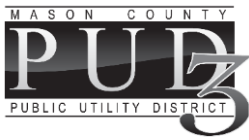
3.0 Public Records Officer

3.1 The District's Public Records Officer currently is the District's Attorney, Robert Johnson. The Public Records Officer will oversee compliance with the Act but another District staff member may process the request.

3.2 The Public Records Officer may be contacted via first class mail addressed to the:
Public Records Officer
PO Box 2148
Shelton, WA 98584
records@masonpud3.org

4.0 Making A Public Record Request

4.1 While it is encouraged to submit a request for records in writing on the "Public Records Request Form" it is not a requirement. Any employee receiving a request, regardless of format (i.e.: in person, over phone, in writing, electronic mail or fax) should consider the



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request valid and immediately forward the information to the Records Department. The request should include the following information:

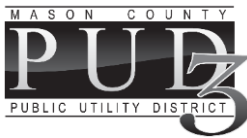
- The name and address of the Requester;
 - The date of the request;
 - A detailed description of the public record(s) being requested;
 - Whether the Requester wants copies, or wants to inspect the requested records;
 - The address where copies are to be mailed or emailed if copies are requested; and
 - Signature of the Requester.
- 4.2 When a Records Request is made orally, the District should confirm the request in writing in its initial 5-day response.
- 4.3 All Records Requests must be made during the District's normal business hours. Requests received outside of normal business hours will be processed as if received on the next normal business day.
- 4.4 Requesters are not required to specifically name the Public Records Act, they must give reasonable notice that the request is being made pursuant to the act. Requesters must request identifiable records or classes of records that are being sought. Clarification from the requester may be addressed to determine what records fairly and directly address the topic.

5.0 Tracking Public Record Requests

- 5.1 All requests will be tracked and managed on a Public Records Act Request Log in accordance with RCW 42.56.

6.0 Procedure for Responding to Public Record Requests

- 6.1 The District will promptly respond to a public records request. Within five business days of receiving a public record request, the District will respond by:
- Providing the record(s);
 - Acknowledging that the request has been received and providing a reasonable estimate of the time required to respond to the request;
 - Clarifying the request; or
 - Denying the public record request.
- 6.2 If staff receives the request they should attempt to obtain the above information to complete the "Records Request Form"(located on the District's website and intranet). Requests should be given to the Records Department immediately for response within the state-mandated five-day response timeframe.



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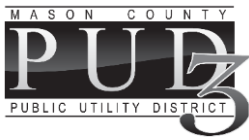
- 6.3 The District will comply with state statute (RCW 42.56.330) when refusing in whole or part of requested documents. Original documents will not be altered, copies will be made for response, and redactions made if applicable. Depending on information being requested, the District may require a third-party notification or consent to release information form. Both parties will be notified concerning this action allowing time to seek relief pursuant to **RCW 42.56.540**. The District will take this into account when providing an estimated time for records to be made available to the requesting party.
- 6.4 If it is concluded the District will exempt the disclosure of the requested information the requestor will be notified that his/her next step will be to request direction from the Superior Court of Mason County.

7.0 Law Enforcement & Court Orders

- 7.1 Law enforcement authority requests must be referred to the public records officer or manager. Law enforcement shall not have access to consumption or other customer information unless:
 - 7.2 They have a search warrant, court order or subpoena; or
 - 7.3 The authority provides the DISTRICT with a written statement as provided for in RCW 42.56.335 in which it states that it suspects 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; or
 - 7.4 The request has been reviewed by the District's attorney and approved for release of the information.
 - 7.5 All other local, state or federal agencies, in addition to those individuals pursuing legal matters, must provide a court order or subpoena in order to obtain confidential information pertaining to the District customers or employees, or records that are relevant to a controversy to which the DISTRICT is a party. The District's attorney must review any court order or subpoena prior to release of the requested information.

8.0 No Duty to Respond & Abandonment

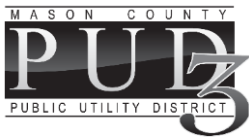
- 8.1 This policy does not require the District to answer written questions, summarize data or information, create new public records, or provide information in a format that is different from original public records; however, the District may in its discretion, create such a new record to fulfill the request where it may be easier 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(5). This will be determined by the records department or district attorney.
- 8.2 This policy does not require the District to respond to requests for information, research, opinions or advice. Requests for information, research, opinions, advice, or similar requests will not be responded to pursuant to this policy.
- 8.3 If 30 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 treat the request as abandoned.



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9.0 Charges

- 9.1 Public records shall be available for inspection at the District offices during regular business hours (8:00 a.m. to 5:00 p.m.) Monday through Friday, excluding holidays. There will be no charge for inspection.
- 9.2 There will be a charge for copying or producing information as follows (adopted via Resolution No. 1709, effective April 24, 2018 as determined by RCW 42.56(2)(b)):
- **Fifteen cents** per page for photocopies of public records or printed copies of electronic public records when requested by the person requesting records.
 - **Ten cents** per page for public records scanned into an electronic format;
 - **Five cents** per each four electronic attachments uploaded to an electronic delivery system;
 - **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*); and
 - The **actual cost** of any digital storage media or device provided by the agency, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.
- 9.3 The charges in this subsection may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.
- 9.4 The District will not impose copying charges for access to or downloading of records that are routinely posted on its public internet web site prior to receipt of a request unless the requestor has specifically requested that the agency provide copies of such records through other means.
- 9.5 A Requestor may ask the District to provide, and if requested it shall 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 and reduce the applicable charges.
- 9.6 In addition to the charge imposed for providing copies of public records, the District may include a **customized service charge**. A customized service charge will only be imposed if the DISTRICT estimates that the request would require 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 the agency for other agency purposes. The customized service charge may reimburse the District up to the actual cost of providing the services in this subsection. The District may not assess a customized service charge unless the it 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 estimate 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.



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- 9.7 The District may require a deposit in an amount not to exceed **ten percent of the estimated cost** of providing copies for a request, including a customized service charge.
- 9.8 If the District makes a request available on a partial or installment basis, it may charge for each part of the request as it is provided.
- 9.9 If an installment of a records request is not claimed or reviewed, the District is not obligated to fulfill the balance of the request.
- 9.10 The District may enter into any contract, memorandum of understanding, or other agreement with a Requestor that provides an alternative fee arrangement to the charges authorized in this section, or in response to a voluminous or frequently occurring request.

REFERENCES:

- A. RCW 42.56
- B. WAC 44-14

Revision	Date	Description of Change	Approval By
	8.9.1982		Resolution 596
f	June 2005		
f	July 19, 2005	Changes to Charges for Copies	Resolution 1341
g	June 2007	Naming Records Officer & Updates	Resolution 1347
h	April 24, 2018	Charges per HB1595 / RCW 42.56	Resolution 1709