

PUGET SOUND REGIONAL COUNCIL PUBLIC RECORDS PROCEDURES

The Puget Sound Regional Council seeks to conduct all of its work in an open and transparent nature. To help make sure people have access to records, the agency has prepared the following procedures that represent the best practices of government in the state of Washington, as recommended by the Office of the Attorney General.

Section 1. Authority and Purpose

- a. Chapter [42.56](#) RCW, the Public Records Act ("the act"), requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public records" 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.
- b. This document describes the procedures the Puget Sound Regional Council (PSRC) will follow in order to provide full access to public records. These procedures provide information to persons wishing to request access to public records of PSRC and establish processes for both requestors and PSRC staff that are designed to best assist members of the public in obtaining such access. These procedures have been written to incorporate best practices for compliance with the act and are based upon and organized according to Model Rules promulgated by the Attorney General of the State of Washington.
- c. The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights, and the desirability of the efficient administration of government. In carrying out its responsibilities under the act, PSRC will be guided by the provisions of the act describing its purposes and interpretation.

Section 2. Agency Description – Contact Information – Public Records Officer

- a. PSRC serves as the region's Metropolitan Planning Organization and Economic Development District under federal law. It is the Regional Transportation Planning Organization for the region under the state's Growth Management Act. Through the agency's Interlocal Agreement, it often also serves as a forum for matters of regional interest. PSRC's office is located at 1201 Third Avenue, Suite 500, Seattle, WA 98101..
- b. Any person wishing to request access to public records of PSRC, or seeking assistance with making such a request should contact the public records officer of PSRC:

Public Records Officer
Puget Sound Regional Council
1201 Third Avenue, Suite 500
Seattle, WA 98101
Telephone: 206-464-7091
publicrecords@psrc.org

Information is also available on PSRC's website at www.psrc.org.

- c. The public records officer will oversee compliance with the act, but another PSRC staff member may process the request. Therefore, these procedures will refer to the public records officer "or designee." The public records officer or designee and PSRC will provide the "fullest assistance" to requestors, ensure that public records are protected from damage or disorganization, and prevent the fulfillment of public records requests from causing excessive interference with essential functions of PSRC.

Section 3. Availability of Public Records

- a. **Hours for inspection of records.** Public records are available for inspection and copying by appointment at PSRC's office.
- b. **Records index.** PSRC finds that maintaining an index is unduly burdensome and would interfere with agency operations. The requirement would unduly burden or interfere with PSRC operations in the following ways:
 - The creation of a single index providing the intricate detail described in RCW [42.56.070](#) would interfere with agency operations in that it would take an inordinate amount of staff time to develop.
 - It would be unduly burdensome for agency staff to index each and every record, given the wide range of agency activities and the agency's limited staffing levels.

PSRC's Information Center will, however, index and maintain the following general administrative records in the Information Center to make them available for public inspection and copying:

- Bylaws
- Budget documents
- Resolutions
- Minutes and agendas of regular meetings of PSRC's policy boards, Executive Board and General Assembly

Other records that relate to the specific function or responsibility of a particular department shall be maintained in the offices of the particular department. The public records officer will coordinate responses to public records requests with the departments, and responsive records shall be made available for public inspection and copying in accordance with RCW [42.56](#).

- c. **Organization of records.** PSRC will maintain its records in a reasonably organized manner. PSRC will take reasonable actions to protect records from damage and disorganization. A requestor shall not take PSRC records from PSRC offices without the permission of the public records officer or designee. A variety of records is available on the PSRC website at www.psrc.org. Requestors are encouraged to view the documents available on the website prior to submitting a records request.
- d. **Making a request for public records**

1. Any person wishing to inspect or copy public records of PSRC should make the request in writing via PSRC's [public records web form](#), or by mail, or email addressed to the public records officer and including the following information:
 - Name of requestor
 - Contact information, such as an email address
 - Identification of the public records adequate for the public records officer or designee to locate the records
 - The date and time of day of the request
2. If the requestor wishes to have copies of the record made instead of simply inspecting them, they should so indicate and make arrangements to pay for copies of the records or at least make a deposit of 10 percent of the cost of copying estimated by the public records officer before copying will commence. Standard black and white 8 1/2" x 11" photocopies will be provided at 15 cents per page.
3. The public records officer or designee may accept request for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, they will confirm receipt of the information and the substance of the request in writing.
4. Persons requesting public records that include a list of individuals will be required to provide a declaration under penalty of perjury certifying that the records will not be used for any commercial use (profit-expecting activity) prohibited by RCW [42.56.070\(9\)](#) unless specifically authorized by other law.

Section 4. Processing of Public Records Requests—General

- a. **Providing "fullest assistance."** PSRC is charged by statute with adopting rules which provide for how it will "provide full public access to public records," "protect public records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.
- b. **Acknowledging receipt of request.** Within five 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 copying.
 2. If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor.
 3. Provide a reasonable estimate of when records will be available.
 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.
 5. Deny the request.

- c. Consequences of failure to respond.** If PSRC or its applicable agency 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.
- d. Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, to 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.
- e. Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If PSRC believes that a record is exempt from disclosure and should be withheld, the public records officer or designee 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 exempted portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.
- f. Inspection of records**

 - 1. Consistent with other demands, PSRC shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents they wish the agency to copy.
 - 2. The requestor must claim or review the assembled records within 30 days of PSRC's notification that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that they should contact the agency to make arrangements to claim the copies or review the records. If the requestor or a representative of the requestor fails to claim the copies or review the records within the 30-day period or make other arrangements, PSRC may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or similar records.
- g. Providing copies of records.** The public records officer or designee shall make the requested copies or arrange for copying upon a deposit of at least 10 percent of the estimated cost of copying. At PSRC's discretion, this deposit may be waived for small requests.
- h. 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 they reasonably determine that it would be practical to provide the records in that way. If, within 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.

- i. **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 PSRC has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
- j. **Closing 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 PSRC has closed the request.
- k. **Later discovered documents.** If, after PSRC has informed the requestor that it has provided all available records, PSRC 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.

Section 5. Processing of Public Records Requests—Electronic Records

- a. **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.
- b. **Providing electronic records.** When a requestor requests records 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 agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by Section 7.b.
- c. **Customized access to databases.** With the consent of the requestor, the agency may provide customized access under RCW [43.105.280](#) if the record is not reasonably locatable or not reasonably translatable into the format requested. PSRC may charge a fee consistent with RCW [43.105.280](#) for such customized access.

Section 6. Exemptions

- a. The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by PSRC for inspection and copying:
 - PSRC is prohibited by statute from disclosing lists of individuals for commercial purposes.
 - PSRC is prohibited by statute from disclosing Washington State Employment Security Department records and information.

This list is for informational purposes only; other exemptions not listed here may apply.

Section 7. Costs of Providing Copies of Public Records

- a. **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for 15 cents per page.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to 10 percent 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 copies, or the payment of the costs of copying an installment before providing that installment. PSRC will not charge sales tax when it makes copies of public records.

- b. **Costs for electronic records.** If PSRC provides electronic records on an external storage device, it may charge the actual cost for the device. There will be no charge for emailing electronic records to a requestor, unless another cost applies, such as a scanning fee.
- c. **Costs for scanning.** PSRC may charge for scanning existing PSRC paper or other non-electronic records. The rate will be the actual labor cost for scanning, not to exceed 15 cents per page. A statement of factors and the manner used to determine this charge will be made available by the public records officer. PSRC will not charge sales tax for scanning public records
- d. **Costs of mailing.** PSRC may also charge actual costs of mailing, including the cost of the shipping container.
- e. **Payment.** Payment may be made by cash, check, or money order to PSRC.

Section 8. Review of Denials of Public Records

- a. **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request 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 Director of Administrative Services of PSRC or, if the Director of Administrative Services is unavailable, another PSRC senior staff person designated by the Director of Administrative Services or the Executive Director. That person will immediately consider the petition and either affirm or reverse the denial within two business days following PSRC's receipt of the petition, or within such other time as PSRC and the requestor mutually agree to.
- c. **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW [42.56.550](#) at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.