



# Shoreline Fire Department

## PUBLIC RECORDS ACT: Public Records Request Guidelines

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### ACCESS TO PUBLIC RECORDS

**1.0 Public Record.** Public records of the Shoreline Fire Department include any writing containing information relating to the conduct or performance of any governmental or proprietary function prepared, owned, used or retained by the Department.

**1.1** Writing refers to 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).

**2.0 Public Record Availability.** The Department is committed to providing full access to public records in accordance with the Public Records Act. The Department will provide requestors the fullest assistance and the timeliest actions possible while protecting public records from damage and preventing excessive interference with other essential agency functions. RCW 42.56.100.

The Department shall not be required to create records or documents in response to a request for public records that do not exist at the time the request is made. The Department will not honor or produce records pursuant to an on-going or perpetual request for records created or received by the Department after the request for public records is made. If the Public Records Officer becomes aware of additional responsive records, existing at the time of the request, the requestor will be informed and the later-identified records will be produced. The Department will not conduct legal research for a requestor. Requests for information are not subject to the Public Records Act.

**3.0 Location of Records and Hours of Inspection and Copying.** The Department's headquarters is located at Station 61 (17525 Aurora Ave. North, Shoreline, WA.) In addition, the Department has three (3) response stations, Station 63 (1410 NE. 180<sup>th</sup> Street, Shoreline, WA.), Station 64 (719 185<sup>th</sup> Street, Shoreline, WA.), and Station 65 (145 NE 155<sup>th</sup> Street, Shoreline, WA.). Most of the Department's public records are maintained primarily at the Department headquarters. Public records are available for inspection and copying during the Department's normal business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. Records may be inspected at Department headquarters.

**4.0 Public Records Officer.** The Administrative Director has been designated as the Department's Public Records Officer, and serves as the point of contact for public records requests. The Public Records Officer will oversee compliance with the Public Records Act, but may designate other Department staff who may process requests for public records. RCW 42.56.580.

**5.0 Requests for Public Records.** Public records may be inspected or copies obtained by members of the public as follows:

**5.1** For purposes of ensuring accuracy and efficiency in responding to records request, the Shoreline Fire Department prefers that requests are made in writing and delivered to the Administrative Director in person, by U.S. mail or email ([publicrecords@shorelinefire.com](mailto:publicrecords@shorelinefire.com)), or by using the link and a request form available on the Department's website at [www.shorelinefire.com](http://www.shorelinefire.com). Verbal requests are also acceptable. The following information will assist the Department in efficiently processing the records request:

- The name, mailing address, e-mail address, and telephone number of the person requesting the record.
- The time of day and calendar date on which the request is made.
- An identification of the records sufficient for the Department to locate them. (**NOTE:** the purpose of the request need not be disclosed, except when necessary for the Department to determine whether disclosure is exempt RCW 42.56.080.)
- If the matter requested is referenced in a current index maintained by the Department, a reference to the requested record as it is described in such index.

5.2 The Administrative Director may be contacted as follows:

Administrative Director	Phone:	206.533.6572
17525 Aurora Avenue North	Fax:	206.237.2458
Shoreline, WA 98133	E-mail:	<a href="mailto:bsiharath@shorelinefire.com">bsiharath@shorelinefire.com</a>
	E-mail:	<a href="mailto:publicrecords@shorelinefire.com">publicrecords@shorelinefire.com</a>

The Administrative Director may accept requests by telephone or in person. However, if a verbal request is accepted, then a written confirmation of the request will be provided to the requestor.

5.3 The Department will attempt to assist members of the public in appropriately identifying the public record they are requesting.

6.0 **Acknowledging receipt and fulfilling requests.** The Department will process requests in an order that allows the most requests to be processed in the most efficient manner. Within five (5) business days of receiving a public records request, pursuant to RCW 42.56.520, the Public Records Officer, or designee will do one or more of the following:

- A. Make requested records available for inspection or copying.
- B. Provide an internet address and link on the Department's website to the specific records requested, except that if the requester notifies the Department that he or she cannot access the records through the internet, then the Department shall provide copies of the record or allow the requester to view copies using a Department computer.
- C. Acknowledge the receipt of request and provide a reasonable estimate of when requested records will be available.
  - a. Additional time may be needed for the Department to respond to a request, based on the need to:
    - i. Clarify the request,
    - ii. Locate and assemble the requested records,
    - iii. Notify the persons affected by the request, or
    - iv. Determine whether any of the responsive records or information contained in the responsive records are exempt from disclosure.
- D. Seek clarification of unclear requests.
- E. Deny the request and cite the legal exemption.

**Note:** Business days do not include Saturdays, Sundays, or Department-observed holidays. In the event a request for public records is received after 4:30 p.m., the request shall be deemed to have been received on the next business day.

- 6.1 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 persons or agencies affected by the request and provide them with the opportunity to seek a court order preventing disclosure where appropriate, and/or determine whether any of the information requested is exempt. RCW 42.56.520. 6.2 request does not sufficiently identify a public record, the Department will request clarification. If the requestor fails to respond to the Department request for clarification, and the entire request is unclear, the Department need not respond to it and will treat the request as being withdrawn. RCW 42.56.520. Otherwise, the Department will respond to those portions of the records request that are clear. If a portion of a record is exempt and the remainder is not, the Department will redact the exempt portion and disclose the remainder.
- 6.2 If a requested record contains information that may affect rights of others, the Department may, prior to releasing the record, give notice to persons specifically named in the record or to whom a record specifically pertains, that release of a record has been requested. The notice will give the affected persons the opportunity to obtain a court order preventing or limiting disclosure. RCW 42.56.540.
- 6.3 Records may be made available on a partial or installment basis. If an installment is not claimed, the Department will not fulfill the balance of the request. RCW 42.56.120.
- 6.4 Requestors must claim or review assembled records within 30 days of the Department's notification that the records are available. The Department will notify requestors of this requirement. If a requestor fails to claim or review the records within 30 days or make other arrangements, the Department may close the request. A subsequent request by the same person for the same record can be processed as a new request. See WAC 44-14-040(6)(b).
- 6.5 All denials and redactions of public records will be accompanied by a written statement specifying the reason(s) for the denial or redaction, including a statement of the specific exemption authorizing the withholding of information and a brief explanation of how the exemption applies. Denials of a patient's request for the patient's medical records will comply with the requirements of RCW 70.02.090.
- 6.6 If the PRO becomes aware of additional responsive records, existing at the time of the request, the requestor will be informed and the later identified documents will be provided on an expedited basis.

**7.0 Cost of Providing Copies of Public Records.** Per State law, the Department is not allowed to charge for locating a public record or for making records available for review or inspection. The Department may charge, however, for the actual costs of copying public records. The Shoreline Fire Department finds that calculating the actual cost of scanning per page in order to fulfill a public records request would be unduly burdensome for the following reasons:

- A. The Department employs over 120 employees. Because much of the Department's records are maintained by individual employees based on assignment who might participate in the production of public records request.
- B. Employees supplying scanned records to the Public Records Officer would be required to track time spent, thereby creating a burden for those employees without assigned work stations and those records providers who are employees required to be on alert to respond to emergency calls. This would potentially impede their ability to accurately track actual time spent on records requests.
- C. The Department's Public Records Officer would be required to maintain a records of all employees who contributed to each part of a public records request potentially charge different amount for multiple scanned pages.
- D. The Department uses several document scanning and copy machines with different costs and lease agreement fees which could change from time to time. The cost of supplies for the various machines can vary based on current market rates, supply purchase decisions, etc. Calculating the portion of these

machines and supplies used toward scanning public records would require knowledge of the cost of supplies and an in-depth analysis of timing and application by each contributing employee's hourly rate of pay.

- E. The response time to a public records request may be delayed in order to calculate scanning or copy cost and create an invoice with different rates of scanning charges.

**7.1** The Department shall charge for scanning and copying public records listed below and allowed under RCW 42.56.120.

- Fifteen cents (\$.15) 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.
- Ten cents (\$.10) per page for public records scanned into an electronic format or for the use of agency equipment to scan the records;
- Five cents (\$.05) per each four electronic files or attachments uploaded to email, cloud-based data storage service, or other means of electronic delivery; and
- Ten cents (\$.10) 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 actual cost of any digital storage media or device provided by the Department, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.
  - Charges in this section may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

**7.2.** The Department may, in its discretion, require a deposit of up to 10% of the estimated cost of copying records prior to copying any records for a requestor. RCW 42.56.120.

**7.3.** If the Department releases records on a partial or installment basis, it will charge for each part of the request as it is provided.

**7.4.** Medical Records In accordance with RCW 70.02 and WAC 246-08-400, the Department may charge a clerical fee for searching and handling requests for medical records and a per page copy charge according to the rates established in the pertinent statute or WAC provision concerning the same. RCW 42.56.130.

The Department shall assess costs per the statutory fee schedule in RCW 42.56.120 and as allowed in RCW 42.56.130.

The Public Records Officer or Fire Chief has the discretion to waive copying charges for small requests, or for individuals or government agencies doing business with the Shoreline Fire Department if it is determined that this action is in the best interest of the Department. Typically these might include requests for comparable data, records requested by enforcement agencies that are not expected to exceed \$15.00.

**8.0 Requesting Electronic Records.** The process for requesting electronic public records is the same as for requesting paper public records. When a requestor requests records in an electronic format, the Department will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the Department and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the records. Costs for providing electronic records are governed by RCW 42.56.120 and 42.56.130. While not required, and with the consent of the requestor, the Department may decide to provide customized electronic access services and assess charges under RCW

42.56.120(2)(f). A customized service charge applies only if the Department 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 purposes.

## **9.0 Exemptions from Public Inspection and Copying**

**9.1** Certain public records are exempt in whole or in part from public inspection and copying. RCW 42.56.230 through RCW 42.56.480 contain a number of exemptions. RCW 42.56.070(9) prohibits the Department from disclosing lists of individuals for commercial purposes. Public records are also exempt if any other statute exempts or prohibits disclosure. RCW 42.56.070(1). Requestors should be aware of the following list of exemptions that may restrict the availability of public records. This list is not exhaustive.

RCW 42.56.230(2)	Personal information in files maintained for employees, appointees, or elected officials to the extent disclosure would violate their right to privacy.
RCW 42.56.240(1)	Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
RCW 42.56.250(1)	Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.
RCW 42.56.250(2)	All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
RCW 42.56.250(3)	Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employee or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records.
RCW 42.56.250(5)	Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.
RCW 42.56.290	Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action.
RCW 42.56.070(1)	Attorney-client privileged communications and attorney work product. RCW 5.60.060(2)(a); RCW 42.56.290; CR 26(b)(4)
RCW 42.56.420	Vulnerability assessments and national security information
RCW 43.43.830 -.840	Background checks WAC 446-20-300
RCW 5.60.060	Privileged communications
RCW 5.60.070	Court-ordered mediation records
RCW 42.56.600;	Mediation communications under the Uniform Mediation Act RCW 7.07
RCW 7.69A	Child victims and witnesses
RCW 10.97	Criminal Records Privacy Act
RCW 13.60.020	Missing children information
RCW 18.04.405	Confidentiality of information gained by CPA
RCW 26.26.450	Confidentiality of genetic testing
RCW 26.44	Records of child abuse and neglect
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 40.14	Preservation and destruction of public records
RCW 42.23.070	Municipal officer disclosure of confidential information prohibited

RCW 46.52	Traffic records
RCW 48.62.101	Local government insurance transactions
RCW 50.13	Employment security records
RCW 51.28.070	Worker’s compensation records
RCW 51.36.060	Physician information on injured workers
RCW 68.50.105	Autopsy reports
RCW 68.50.320	Dental identification records
RCW 42.56.360(2);	Medical Records RCW 70.02
RCW 70.05.170	Child mortality records
RCW 70.24	Public health records
RCW 70.96A.150	Alcohol and drug abuse treatment programs
RCW 71.05	Mental health records
RCW 71.34	Mental health treatment of minors
RCW 71A.14.070	Records regarding developmental disability
RCW 74.34.095	Abuse of vulnerable adults – investigations and reports
RCW 82.32.330	Disclosure of tax information
42 USC § 290dd-2	Confidentiality of Substance Abuse Records
42 USC 405(c)(2)(vii)	Limits on Use and Disclosure of Social Security Number
42 USC § 12112	Americans with Disabilities Act
42 CFR Part 2	Confidentiality of Alcohol and Drug Abuse Patient Records
45 CFR 160-164	Health Insurance Portability and Accountability Act (HIPAA)

**9.2** In accordance with RCW 42.56.070(1), the Department reserves the right to delete identifying details when it makes available any public record where disclosure would be an invasion of personal privacy protected by RCW 42.56.

**10.0 Review of Denials**

**10.1** The Department shall charge for scanning and copying public records listed below and allowed under RCW 42.56.120.

**10.2** Upon receipt of a written request for review of a decision denying inspection or copying of a public record, the Fire Chief, or the Fire Chief’s designee, shall immediately consider the matter and either affirm or reverse the denial. The final decision shall be rendered to the individual who requested the record within two (2) business days after the review is requested, after which the requestor may obtain judicial review. Large requests or requests involving many redactions may take longer than two business days for the Department to review. In such a case, the Fire Chief shall inform the requestor within two business days after the review is requested that a longer internal review period is necessary which review period shall be no longer than five business days after the review is requested.

**10.3** Administrative remedies shall not be considered exhausted until the Department has returned the request with the decision or until a period of two (2) business days has elapsed since the receipt of the request for review or, in the case of large requests or requests involving many redactions, until a period of five (5) business days has elapsed since the receipt of the request for review.

**11.0 Records Index** The Department has available to all persons a current index that provides identifying information as to the records maintained by the Department.

**12.0 Protection of Records** In order to protect public records from damage and disorganization and prevent excessive interference with other essential Department functions, the following requirements are adopted pursuant to RCW 42.56.100.

**12.1** Public records must be inspected in the presence of a designated Department employee.

**12.2** Requestors may not remove public records from a viewing area.

**12.3** Public records may not be marked, altered, or defaced by a requestor.

**12.4** Access to file cabinets, shelves, and other Department storage areas is restricted solely to Department personnel.