



Section: RECORDS/PUBLIC DISCLOSURE

Revision Date:

3/06

Subject: PUBLIC RECORDS POLICY

Item No:

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POLICY:

Pursuant to the Washington State Public Disclosure Act, RCW 42.17.250 et. Seq., (the Act), the Port of Olympia is required to make available for inspection and copying, public documents as defined by the Act. The following policy will govern the compliance of the Port with respect to the provisions of the Act. To the extent that this policy is in any way inconsistent with the referenced RCW, the RCW will be deemed to prevail.

All public records of the Port are deemed to be available for public inspection and copying pursuant to this policy except as otherwise provided by the Act, or other statute, which exempts or prohibits disclosure or specific information or records.

A 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 any state or local agency regardless of physical form or characteristics. A public record also includes photographs taken by Port of Olympia staff.

OFFICE HOURS:

Public records shall be available for inspection and copying during the customary office hours of the Port. For the purposes of this policy, the customary hours shall be from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

PUBLIC RECORDS OFFICER:

The Public Records Officer for the Port shall be the Administrative Manager or designee. Processing requests for access to public records shall be in the charge of the Administrative Manager.

The Public Records Officer shall be responsible for the following: the implementation of the Port's rules and regulations regarding the release of public records, coordinating with other Port staff in this regard, and generally ensuring compliance by staff with the public records disclosure requirements of the Act.

INDEX OF PUBLIC RECORDS AVAILABLE:

1. The Port has available to all persons:
 - a) Index of all resolutions passed by the Commission.
 - b) Index of minutes of the Public Meetings of the Port Commission (by each meeting's agenda).
2. The Commission has determined that it would be unduly burdensome to maintain an itemized index of all Port records, except as set forth herein, due to fiscal and personnel limitations.

REQUEST FOR PUBLIC RECORDS:

In accordance with requirements of the Act, public records may be inspected or copied, or copies of such records may be obtained by members of the public, upon compliance with the following procedures:

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All requests for records should be made in writing, which includes fax and email. A form prescribed by the Executive Director, which shall be available at the Port administrative office and on the Port's website is available for requesting records. If a request is made orally, Port staff will confirm the request in writing before acting upon it.

(See Exhibit B). The request shall be presented to the designated Public Records Officer. If the Public Records Officer is not available during customary office hours, the completed form(s) shall be presented to the Front Desk Coordinator. All requests shall include the following information:

1. The name, contact address, and telephone number of the person requesting the record.
2. The time of day and calendar date on which the request was made.
3. The description of the request.
4. A specific description of the record requested.
5. The request shall identify if the request is for copies or for inspection of records.

COPYING:

The Port of Olympia wishes to encourage and enhance public participation by making the first copy of annual information items available to the general public at no cost (Auditor Report, Annual Budget, Marketing Brochures, etc.). Supplementary copies, however, will be charged at a rate of reproduction cost as set in Resolution 99-22.

No fee shall be charged for the location and inspection of public records by Port staff. The Port shall charge a fee for providing copies of public records at a rate defined in Resolution 99-22, amended annually. Only staff persons will operate the Port's copy machine, as public use of the copy machine would unreasonably disrupt the operations of the Port. In addition, public requests for information including copies, tapes, or documents may be charged at a rate of reproduction cost and labor costs as set in Resolution 99-22.

If the Port, at its sole election, determines that the copies will be made by a copy service, the actual costs charged by a copy service plus actual costs of postage, transmission and handling will be charged to the requester. The charge shall be the amount necessary to reimburse the Port for its actual costs incident to such copying.

According to RCW 42.17.320, responses by the Port to requests will be made promptly within five business days from the time a fully completed request is submitted to the Public Records Officer.

INSPECTION OF RECORDS:

If a requestor requests to inspect records, the Public Records Officer will identify a date and time when the records will be available for viewing at the Port offices. At that time, the requestor can identify records to be copied. If the request for copies is minimal, staff will make the copies at that time. If the request is for more than 20 copies of individual records, the Port staff will make the copies within 3-5 business days, unless otherwise notified. The Public Records Officer will notify the requestor when the copies are ready to be picked up.

PROTECTION OF PUBLIC RECORDS:

No records shall be removed from the Port office except by written permission of the Public Records Officer to whom the request was made under such conditions as are required to protect the records from damage, loss or

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disorganization. No record may be marked, folded or damaged in any way, nor may any record be removed from any file to which it is attached, nor may the records filing order be altered in any way. A member of the Port staff will supervise inspection of records.

EXEMPTIONS:

The Act allows for certain personnel and other records to be exempt from public disclosure. The Port reserves the right to determine that a public record requested is exempt from disclosure under provision of the Act:

1. Pursuant to RCW 42.17.310(2), the Port reserves the right to redact identifying details when it makes available or publishes any public record, in cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by RCW 42.17.310 and RCW 42.17.315. The Public Records Officer will justify such deletion in writing.
2. All denials for requests for public records must be accompanied by a written statement specifying the reason for 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.
3. The Port will not give, sell or provide access to:
 - a) Lists of individuals requested for commercial purposes, except as allowed under RCW 42.17.260(9).
 - b) Personal information in files maintained for employees, appointees, or elected officials to the extent that disclosure would violate their right to privacy. RCW 42.17.310(1)(b).
 - c) Test questions, scoring keys, and other examination data used to administer a license or employment examination. RCW 42.17.310(1)(f).
 - d) The contents of real estate appraisals, except as provided by RCW 8.26, made for and by the Port relative to the acquisition or sale of property until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three (3) years after the date of the appraisal. RCW 42.17.310(1)(g).
 - e) Valuable formulae, designs, drawings, and research data obtained by the Port within five (5) years of the request for disclosure when disclosure would produce private gain and public loss. RCW 42.17.310(1)(h).
 - f) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by the Port in connection with any Port action. RCW 42.17.310(1)(i).
 - g) Records which are relevant to a controversy to which the Port is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts. RCW 42.17.310(1)(j).
 - h) Records, maps or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites. RCW 42.17.310(1)(k).

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i) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to RCW 46.163 and 53.31, and by persons pertaining to expert projects pursuant to RCW 43.23.035. RCW 42.17.310(1)(o).

j) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by RCW 43.163, 43.160, 43.330, and 43.168, or during application for economic development loans or program services provided by any local agency. RCW 42.17.310(1)(r).

k) Applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to applicant. RCW 42.17.310(1)(t).

l) The residential addresses and residential telephone numbers of employees or volunteers of the Port which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers. RCW 42.17.310(1)(u).

m) Financial and valuable trade information under RCW 51.36.120. RCW 42.17.310(1)(bb).

n) Information that identifies a person who, while an agency employee: (i) seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed. RCW 42.17.310(1)(dd).

o) 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 42.17.310(1)(ee).

p) Business related information protected from public inspection and copying under RCW 15.86.110. RCW 42.17.310(1)(ff).

q) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides. RCW 42.17.310(1)(ll).

4. Failure of the Port to list in this policy an allowable exemption under any applicable law does not affect the efficacy the exemption or its available use by the Port.

REVIEW OF DENIALS OF PUBLIC REQUESTS:

1. Denials of requests must be accompanied by a written statement of the specific reasons and signed by the Public Records Officer.
2. Any person who objects to the denial of a request may petition for prompt review of such decision by tendering a written request for review.
3. Upon receiving a written request for review, the denial of the request shall promptly be reviewed by Port Executive Director, or a designee, and the final decision of the Executive Director (or designee) shall be made in writing and delivered to the requesting party by the end of the second business day following



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receipt of the written request for review as set forth in RCW 42.17.320. The decision of the Executive Director (or designee) shall constitute final action of the Port for purposes of judicial review. The Executive Director shall advise the Commissioners of the Executive Director's decision with regard to any such request.

CLARIFICATION OF REQUESTS:

When the Port receives a large or unclear request, the Public Records Officer shall communicate with the requestor to clarify the request and explain the public records process. For large requests the Port may ask the requestor to prioritize the request so that he or she receives the most important records first. If the requestor finds the records he or she is seeking at the beginning of a request, the requestor should communicate with the Port that the requested records have been provided and he or she is canceling the remainder of the request.

RECORDS RETENTION:

Refer to Policy 901 for information on Records Retention and Storage.

ADDRESS WHERE REQUESTS ARE TO BE DIRECTED:

All communications with the Port are to be addressed to:

Port of Olympia
Attention: Public Records Officer
915 Washington Street NE
Olympia, WA 98501
Fax: (360) 528-8090
Email: <mailto:inquiries@portolympia.com>

FORMS:

The attached procedure, Exhibit "A" and the corresponding Form, Exhibit "B" are to be used for requests for access to public records at the Port of Olympia.