

6.16 Public Records Request Policy

It is the policy of the Pend Oreille County Library District (“District”) to release records of the District in compliance with the Washington State Public Records Act, set forth in Chapter 42.56 of the Revised Code of Washington (the “Public Records Act”), and any other provisions of applicable law. This Public Records Request Policy (the “Policy”) applies to all library system records created by staff, administrators, the Board of Trustees, and any third-party records in the District’s possession. The District will maintain its records in a reasonably organized manner. The District will take reasonable actions to protect records from damage and disorganization.

Purpose

The purpose of this Policy is to comply with the Public Records Act. This Policy provides guidance to public records requestors as well as District employees who respond to such requests. In the event any provision of this Policy conflicts with a provision of the Public Records Act, the Public Records Act shall govern. This Policy shall in no way prevent or prohibit the District from taking any action authorized pursuant to the Public Records Act.

Public Records Officer

The District has designated the Library Director as the official Public Records Officer (“Officer”) for the District. The individual serving as the Officer may change over time and current contact information is available on the District’s website. The Officer is responsible for managing library records to ensure compliance with the law, responding to and tracking requests or designating another individual to respond, and serves as the principal contact with any requestor making a records request. Any person wishing to inspect District records or seeking assistance in making such a request should contact the Officer as follows:

Public Records Officer
Pend Oreille County Library District
116 S Washington Ave, Newport, WA 99156
800-366-3654 x 502
publicrecords@pocld.org

Types and Availability of Records

The District makes a variety of records available on the website including board meeting agendas, board meeting minutes, annual reports, and budget documents. Requestors are encouraged to review the website prior to submitting a public records request. The District maintains and destroys records in accordance with state law. Records documenting the process of fulfilling requests and the records responsive to them are retained for the applicable retention periods.

For reasons stated in Resolution No. 2024-1, adopted by the Board of Trustees on July 25, 2024, and incorporated herein by reference, the District finds that it would be unduly burdensome and would interfere with District operations to maintain an index of records.

Public records are available for inspection and copying at the District’s Administrative Offices in Newport, WA, from 9:00am-4:00pm, Monday-Friday.

Submitting Requests

All requests should be made in writing and directed to the Officer. The District's standard and preferred request method is using the Public Records Request Form available on the District's website. Although requestors are strongly encouraged to use the Public Records Request Form, a requestor may also submit a request by postal mail, email, or in person during public access hours at the Newport Library located at 116 S. Washington Ave., Newport, WA.

Any person wishing to inspect or copy public records of the District should include the following information in the request:

1. The date and time of the request;
2. A means of communicating to the requestor, such as mailing address, telephone number, and email address;
3. Identification of the public records requested with descriptions that are adequate for the Officer to locate the records; and
4. Whether the requestor is seeking to inspect the record(s) or if copies are being requested.

The District will respond to all Public Records Act requests within five (5) business days in compliance with RCW 42.56.520. The District's response to the requestor shall include one or more of the following:

- a. Notifying the requestor that the documents are available for inspection or copying,
- b. Acknowledging the request in writing and providing a reasonable estimate of the time the District will require to respond to the request;
- c. Seeking clarification from the requestor;
- d. Identifying the physical location or internet site where the documents are available to the public;
- e. Denying the records request and explaining the reason for the denial; and/or
- f. Providing the requested records in whole or in part

Processing Requests

The Officer will process requests in an order that allows requests to be processed most efficiently. When the District receives a public record request or at any time while processing a record request: the Officer will determine a reasonable time estimate within which the District can respond to the request that will factor in the nature, volume, and availability of the requested records; the amount of time necessary to respond to a particular request and its effect on the amount of staff time that can be devoted to responding to the requests of other requestors; and the impact on other essential District functions.

Specific factors that may affect the response time estimate include, but are not limited to:

- a. Number of pending requests from the same requestor;
- b. Volume of records requested;
- c. Complexity or ambiguity of the request;
- d. Access to database or electronic system records;
- e. Information Technology (IT) staff involvement;
- f. Records not easily identified, located, and/or accessible;
- g. Current staffing, including any amount of time needed by District staff who are not primarily responsible for public record processing;
- h. Third-party notice;
- i. Complex review to determine if content is exempt;
- j. Extensive and complicated redaction;
- k. Legal review;

- l. Resolving issues related to retention of responsive records; and/or
- m. Grouped requests.

To provide fullest assistance to all requestors and prevent excessive interference with other essential District functions, the District may allocate specific amounts of time and resources to responding to a request. This may include, but is not limited to, allocating a specific number of hours per week or per month to be spent by public records staff or employees for whom responding to record requests is not among their primary assigned duties. The amount of time shall be based on the factors outlined above.

When a request is for a large volume of records, the District may elect to provide records on an installment basis. If a requestor does not contact the Officer within thirty (30) days to arrange for the review of the installment, the District may deem the request abandoned and stop fulfilling the remainder of the request.

Denial and Appeal

The District has no duty to accept certain automated or bot requests. The District may deny bot requests that are one of multiple requests from a requestor in a 24-hour period if responding to multiple requests would cause excessive interference with the District's other essential functions. Because social media and voicemails may not be monitored daily, the District does not accept record requests via these means.

The District encourages any requestor who believes a record has been wrongfully withheld, in whole or in part, to meet and confer with the Officer prior to seeking judicial review of the District's response to their request.

Exemptions

By law, some records are exempt from disclosure, in whole or in part. If the District believes that a record is exempt from disclosure and should be withheld, the Officer 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 Officer will redact the exempt portions, provide the non-exempt portions, and inform the requestor why portions of the record are redacted.

For informational purposes, records exempt from disclosure include, but are not limited to:

Library Records. Any library record subject to RCW 42.56.310, as interpreted by the District's Privacy and Confidentiality Policy, is exempt from disclosure and will not be released under the Public Records Act.

Public Records Act Exemptions. The Public Records Act exempts several categories of documents and records from disclosure under RCW 42.56.210 et seq. A copy of RCW 42.56.210 is available at: <http://apps.leg.wa.gov/rcw/default.aspx?cite=42.56>. Documents falling into any of these categories may be withheld from disclosure under the Public Records Act.

Commercial Purposes. The District is prohibited from disclosing lists of individuals for commercial purposes as provided in RCW 42.56.070. If a request includes a list of individuals, the District shall require that the requestor provide information necessary to determine if disclosure

of the list of individuals is permitted or prohibited by RCW 42.56.070(8), and may require the requestor to provide a Commercial Purpose Declaration Form. The Commercial Purpose Declaration Form is available on the District's website.

Address Confidentiality for Victims of Domestic Violence, Sexual Assault, and Stalking. Any employee's name and other personally identifying information if they or a dependent are survivors of domestic violence, sexual assault, sexual abuse, stalking, or harassment, or if they participate in the address confidential program under chapter 40.24 RCW (RCW 42.56.250(1)(i)).

Other Exemptions. In addition to the exemptions provided under the Public Records Act, Washington provides several additional exemptions that are not listed in the Public Records Act. A non-exclusive list of these exemptions is available at: [Public Records Act for Washington Cities, Counties, and Special Purpose Districts \(mrsc.org\)](https://www.mrsc.org). Also, the Sunshine Committee of the Washington Attorney General's Office maintains a list of public disclosure exemptions at: <https://www.atg.wa.gov/sunshine-committee>. Documents falling into any exemption recognized by Washington statute, or otherwise under local, state, or federal law, may be withheld under the Public Records Act.

Third Party Rights

Prior to releasing a record, the District may, at its discretion, provide notice to an individual or organization named in a public record or to whom the record specifically pertains (unless notice is required by law) to allow the third party to seek relief pursuant to RCW 42.56.540. The District may take into account any such third-party notification, including the time necessary for any request for injunction or other relief under RCW 42.56.540 to be resolved, in providing an estimate for when the records will be available. Nothing in this document is intended to create any third-party right to notice of Public Records Act requests.

Charges

For reasons stated in Resolution No. 2024-2, adopted by the Board of Trustees on August 22, 2024, and incorporated herein by reference, the District finds that it would be unduly burdensome and would interfere with District operations to calculate all actual costs for providing records.

In compliance with RCW 42.56.120, no fees are charged for inspection of documents. Fees for paper or electronic copies will be charged pursuant to the state statutory default copying charges detailed in RCW 42.56.120, which are subject to change without written notice. The current Fee Schedule is attached to the Public Records Request Form. In addition, the District may require an advance deposit in an amount not to exceed ten percent of the estimated cost of providing the records in accordance with the Public Records Act.

At their discretion, the Officer may elect to waive these fees. Fees may generally be waived when the expense of billing exceeds the cost of copying and postage.

If charges related to copying have not been paid by the requestor, the Officer may withhold the relevant documents from disclosure until outstanding fees are paid by the requestor.

Law Enforcement Requests

The District will consult with legal counsel before the release of information to law enforcement. Law enforcement will receive access to confidential library records upon receipt of process, order, or subpoena in proper form and with a showing of good cause for its issuance.

Delivery of Records

Documents are available for inspection by appointment at the District's Administrative Office in Newport, WA, Monday through Friday, 9:00am – 4:00pm, excluding legal holidays or official closure of the District. Arrangements for inspection and/or copying must be made in advance. To schedule an appointment, email publicrecords@pocld.org or contact the Public Records Officer at 800-366-3654 x 502.

Inspection of public records must occur in a non-disruptive manner. No member of the public may remove public records from the viewing area or disassemble or alter any public record. The requestor shall indicate which records they wish to have copied using a mutually agreed upon nonpermanent method of marking the desired record.

On request, physical or digital copies may be made available to the requestor. The District may determine the method of production for electronic records at its own discretion if the electronic files are too large to be shared via email. The District will not provide records on portable media (e.g. thumb drives) provided by a requestor or by uploading to a private file-sharing site.

Failure to Respond

The District will deem a request abandoned in the following circumstances:

1. If a requestor fails to respond to a District request to clarify, whether individual or grouped, within thirty (30) days of the request for clarification, and the entire request is unclear.
2. If a requestor has elected to inspect records, the request, whether individual or grouped, may be deemed abandoned:
 - a. If the requestor fails to contact the Office to arrange for the review of the installment within thirty (30) days of making arrangements to inspect the records in person; or
 - b. If the requestor misses an appointment to inspect responsive records or any installment of records and fails to contact the Officer to arrange another appointment to inspect within 30 days of the missed appointment.
3. If a requestor has elected to receive copies of records, a request, whether individual or grouped, may be deemed abandoned:
 - a. If the requestor fails to open and download within thirty (30) days copies of responsive records or any installment of records provided to the requestor electronically;
 - b. If the requestor fails to pick up hard copies of responsive records or any installment of records within thirty (30) days of the date on which such copies are made available for pickup;
 - c. If the requestor fails to pay for copies of any records or any installment of records within thirty (30) days of receiving an invoice for those records; or
 - d. If the requestor fails to pay a deposit, if required by the District, within thirty (30) days of receiving an invoice for such deposit.

Closing the Request

Once all copies of requested records have been provided to the requestor, the requestor has reviewed the requested records, or thirty (30) days have passed since the requestor was notified that the records were available and the requestor has failed to contact the Officer to arrange for the review of those records or for payment for copies, the Officer shall close the records request. Upon closing the request, the one-year statute of limitation to seek judicial review shall begin to run.

Disclaimer of Liability

Neither the District nor any officer, employee, official, or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of public records if the person releasing the records acted in good faith in attempting to comply with the Public Records Act, this Policy or process(es) outlined in this document.

Revision History

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