

City of Union Gap Public Records Act Disclosure Policy

The City of Union Gap is committed to providing the public full access to public records in accordance with the Washington State Public Records Act (PRA), referenced in [RCW Chapter 42.56](#) and the Model Rules of [WAC 44-14](#). The purpose of the PRA is to provide the public with full access to records concerning the conduct of government, mindful of individual privacy rights and the desirability of the efficient administration of government.

This PRA Disclosure policy establishes the procedures the City of Union Gap will follow to provide for the fullest assistance to requestors including the most timely possible action on requests, while protecting public records from damage and preventing "excessive interference with other essential agency functions." [RCW 42.56.100](#)

Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on the City. The City reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time.

DEFINITIONS

1. **"The City of Union Gap"** and **"The City"** includes any office, department, division, bureau, board, commission, or agency of the City of Union Gap. [RCW 42.56.010\(1\)](#).

2. **"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 the City of Union Gap regardless of physical form or characteristics. [RCW 42.56.010\(2\)](#).

3. **"Writing"** means 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\(3\)](#).

RESPONSIBILITY

Public Records Officer: The City of Union Gap's Public Records Officer is the City Clerk. Other city staff members may also process public records requests, as needs require.

City Attorney: The City Attorney's Office shall provide legal advice to the Public Records Officer or designee on those occasions when such advice is sought. Additionally, the City Attorney's Office will provide a timely written response to a written request for explanation of a denial of the release of public information as provided in Section 15 of this policy.

Central and Field Offices: The City of Union Gap's central office for requesting records is City Hall, 102 West Ahtanum Road, Union Gap, WA 98903. The City is a non-charter code city governed by the provisions of RCW Chapter 35A.12 under the council-manager form of government. The City has field offices located in various locations for Departments. More information regarding the City of Union Gap's departments may be obtained through the City's website www.uniongapwa.gov.

PROCEDURE

1. How to Request Records:

General Records Requests - Any person requesting access to general public records or seeking assistance in making such a request must contact the City Clerk located at:

City Clerk/Public Records Officer
102 W. Ahtanum Road
P. O. Box 3008
Union Gap, WA 98903

Phone: (509) 248-0432
Fax: (509) 457-9607

Police Records Requests - Any person requesting Police records must contact the Police Department located at:

Union Gap Police Department
Records Clerk
1800 Rainier Place
Union Gap, WA 98903

Phone: (509) 248-6030
Fax: (509) 452-5099

2. Request Format: The City encourages that all requests for public records be made in writing on a *Request for Access to Public Records Form*, which is available at the City Clerk's Office and on the City of Union Gap's website www.uniongapwa.gov. Requests may be submitted in person, orally, by mail, fax, or e-mail. Mail, e-mail, and faxes will be considered received on the date the form is stamped "received", not on the date sent. Requests should include the following information:

- A. The requestors name, mailing address, and contact phone number; and
- B. The date of the request; and
- C. The nature of the request, including a detailed description of the public record(s) adequate for the city personnel to be able to locate the records.
- D. A statement regarding whether the records are being requested for a commercial purpose; and

E. Signature of Requester.

Requests for public records made orally must be made to the person identified in this policy during normal business hours.

A variety of records are available on the City's website at www.uniongapwa.gov. Requestors are encouraged to view records available on the website prior to submitting a records request.

3. Response to Requests: The City will process requests in the most efficient manner as the Public Records Officer (defined above) deems appropriate. Within five (5) business days of receiving a request, the City will either (A) provide the record; (B) acknowledge that the request has been received and provide a reasonable time estimate it will need to respond to the request; or (C) deny the request. 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 parties or agencies affected by the request and provide such parties/agencies with the opportunity to seek a court order preventing disclosure where appropriate, and/or to determine whether any of the information requested is exempt from disclosure. If the requestor fails to clarify an unclear request within 15 days, the City will treat the request as having been withdrawn. [RCW 42.56.520](#)

4. Providing Records in Installments: When the request is for a large number of records, the City may provide access for inspection and copying in partial installments if reasonably determined that it would be practical to provide the records in that way. If the requestor fails to inspect the entire set of records or one or more of the installments within 15 days, the Public Records Officer may stop searching for the remaining records and close the request. [RCW 42.56.120](#)

5. No Duty to Create Records: This policy does not require the City to answer written questions, create new public records, or provide information in a format that is different from original public records; however, the City may in its discretion, create such a new record to fulfill the request where it may be easier for the City 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\(5\)](#)

6. No Duty to Supplement Responses: The City is not obligated to hold current records requests open to respond to requests for records that may be created in the future. A new request must be made to obtain later-created public records.

7. Fees:

- (1) Consistent with the provisions of RCW 42.56, the city shall charge for costs incurred in copying and delivering public records, including costs to scan paper records into an electronic format. In the event a requestor requests copies of records, prior to the disclosure of any public record, copying costs shall be

collected. The public records officer shall establish, update, and post applicable copying costs as appropriate. The public records officer shall have the department's cost schedule available for inspection upon request. If copied records are provided on an installment basis the City may charge the requestor for those copying costs as they accrue in making each installment available. When public records are mailed to a requestor, a charge for postage and the cost of the envelope or container used may be added. No fee is charged for inspection of a public record or for locating a record. Fees may be waived due to the few number of copies made or other circumstances. Payment of fees is required prior to release of records unless other arrangements have been made. [RCW 42.56.120](#).

(2) The City of Union Gap finds that calculating the actual cost it charges for providing public records in order to fulfill a public records request would be unduly burdensome for the following reasons

- a. All City employees earn different salaries or rates of pay and from time to time most City employees may contribute to the production of public records requests, the public records officer would have to be privy to salaries of all employees to calculate the invoice;
- b. Employees supplying records to the public records officer would be required to track time spent, thereby creating a burden for those employees without work stations as well as additional work not assigned in many employees' job descriptions and/or union contracts;
- c. The City's public records officer would be required to maintain a record of all employees who contributed to each part of a public record request and potentially charge different amounts for multiple scanned pages;
- d. The response time to a public records request may be delayed in order to calculate copying/scanning costs and create an invoice with different rates of scanning charges.

8. Deposit: The City may require a deposit of up to ten percent (10%) of the estimated cost of copying records prior to copying any records for a requestor. The City may also require payment of the remainder of the cost before providing all of the records, or the payment of the costs of copying an installment before providing that installment. [RCW 42.56.120](#)

9. Availability of Public Records: Public records are available for inspection and copying at the City Clerk's Office during normal business hours and excluding legal holidays. City personnel and the requestor may make mutually agreeable arrangements for time(s) of inspection and copying.

10. Preservation of Public Records: No member of the public may remove a public record from a viewing area, disassemble, or alter any public record.

11. Organization of Public Records: The City finds that maintaining an index as provided in RCW 42.56.070(3) for use by the public would be unduly burdensome and would interfere with agency operations given the high volume, various locations, and types of public records received, generated and otherwise acquired by the City. [RCW 42.56.070\(4\) & Resolution No. 338](#) Notwithstanding the foregoing, the City will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization.

12. Closing Abandoned Requests: If the requestor withdraws the request, fails to fulfill his or her obligations to inspect the records within 15 days of notice that the records are available for inspection, or fails to pay the deposit or final payment for the requested copies, City personnel will close the request. City personnel will document closure of the request and the conditions that led to closure. [RCW 42.56.120](#)

13. Records and Information Exempt from Public Disclosure: The City is not required to permit public inspection and copying of records for which public disclosure of the record is prohibited, restricted or limited by state or federal statute or regulation. The City is prohibited by statute from disclosing lists of individuals for commercial purposes. [RCW 42.56.070\(9\)](#)

The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. [RCW 42.56.230 through 42.56.480](#) contains a large number of exemptions from public inspection and copying.

Other statutes outside the Public Records Act may prohibit and exempt disclosure of certain documents or information [RCW 42.56.070\(1\)](#).

The City's failure to list an exemption shall not affect the effectiveness of the exemption.

14. Denial of Request Due to Exemption: All denials of requests for public records will be accompanied by a written statement specifying the reason(s) for the 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. [RCW 42.56.210\(3\)](#)

15. Mechanism for Review of Denial: Any person who objects to the denial of a public records request may petition in writing to the City Clerk for a review by the City Attorney of that decision. The petition shall include a copy of or reasonably identify the written statement by the City Attorney's Office or designee denying the request. The City Attorney shall perform a review of the denial as promptly as possible. Pursuant to state law, the review shall be deemed concluded at the end of the second business day following the denial to represent final action for the purposes of judicial review. [RCW 42.56.530](#)

16. Retention of Records: The City is not required to retain all records it creates or uses. However, the City will follow *RCW Chapter 40.14*, Preservation and Destruction of Public Records, in the retention and destruction of public records. The State Attorney General's Local Records Committee approves a general retention schedule for local agency records (including cities) that is common to most agencies. Individual agencies may seek approval from the Local Records Committee for retention schedules specific to their agency or that, due to their particular business needs, must be kept longer than provided in the general schedule.

The retention schedule for local agencies is available at www.secstate.wa.gov/archives. Retention schedules for documents vary based on the content of the record. *WAC 44-14-03005*

17. Disclaimer of Liability: Neither the City nor any officer, employee, official or custodian shall be liable, or 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 this policy.

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as "shall", nothing in this policy is intended to impose mandatory duties on the City beyond those imposed by state and federal law.

ADOPTED September 11, 2017 by Resolution No. 17-44.

CITY OF UNION GAP, WASHINGTON
RESOLUTION NO. 17-44

A **RESOLUTION** adopting a revised Public Records Act Disclosure Policy.

WHEREAS, the City of Union Gap is required to process, pursuant to the Public Records Act, RCW 42.56, requests for public records and to provide access to public records to the fullest extent where required by law; and

WHEREAS, the City of Union Gap previously by resolution in June of 2011 adopted a Public Records Policy;

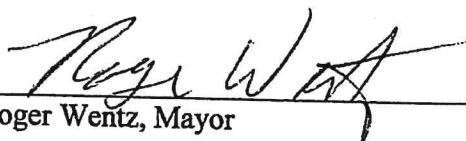
WHEREAS, it is necessary to revise the current Public Records Policy to conform with the current changes to RCW 42.56 regarding public records disclosures;

WHEREAS, as part of these changes the law now allows Cities to charge among other things fees for providing electronic records;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP, WASHINGTON, HEREBY RESOLVES as follows:

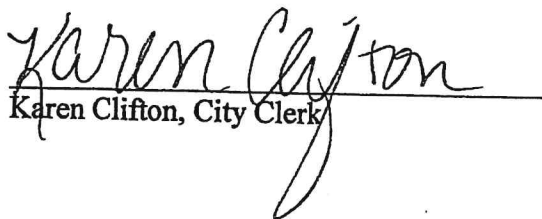
The City of Union Gap adopts the attached revised Public Records Act Disclosure Policy as the City's policy for handling of public records and requests for public records.

PASSED this 11th day of September, 2017.



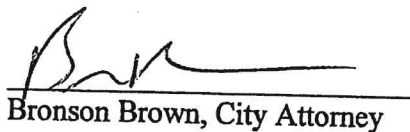
Roger Wentz, Mayor

ATTEST:



Karen Clifton, City Clerk

APPROVED AS TO FORM:



Bronson Brown, City Attorney