

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON

RESOLUTION NO. 2023- 089

IN THE MATTER OF AMENDING THE PACIFIC COUNTY PUBLIC RECORDS  
POLICY AND RESCINDING RESOLUTION NO. 2021-072

**WHEREAS**, RCW 42.56, the Washington State Public Records Act requires that public agencies publish rules in order to provide full public access to public records; and

**WHEREAS**, the Pacific County Public Records Policy was adopted on December 28, 2021 by Resolution No. 2021-072; and

**WHEREAS**, there is a need to update the policy and charges for public records.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of Pacific County Commissioners that the attached Pacific County Public Records Policy and all attachments are hereby amended; and

**BE IT FURTHER RESOLVED** that Resolution No. 2021-072 and any other conflicting resolutions are hereby rescinded; and


**BE IT STILL FURTHER RESOLVED** the effective date of this policy shall be the day following its passage.

**PASSED** by the following vote this 12<sup>th</sup> day of December, 2023 by the Board of Pacific County Commissioners, meeting in regular session at South Bend, Washington then signed by its membership and attested to by its Clerk in authorization of such passage.

3 YEA; 0 NAY; 0 ABSTAIN 0 ABSENT

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON

  
Amanda Bennett  
Clerk of the Board

  
Lisa Olsen, Chair

  
Jerry Doyle, Commissioner

  
David Tobin, Commissioner

# **PACIFIC COUNTY PUBLIC RECORDS POLICY**

Section 1	Purpose
Section 2	Interpretation and Construction
Section 3	Public Records Available
Section 4	Exempt Records
Section 5	Authority, Responsibility, and Obligations
Section 6	Public Records Requests-How Made
Section 7	Inspection of Public Records
Section 8	Response to Public Records Requests
Section 9	Resources Devoted to Public Records
Section 10	Fees for Public Records
Section 11	Protection of Public Records
Section 12	Records Scheduled for Destruction
Section 13	Searching Public Records - Back-up and Security Copies
Section 14	Review of Denied Public Records Requests
Section 15	Electronic Information
Section 16	Resolution and Policy Available to Public
Section 17	Disclaimer of Liability
Section 18	Revised Code of Washington 42.56
Section 19	Effective Date

## **Section 1 Purpose**

The purpose of the Public Records Act (Chapter 42.56 RCW) is to provide the public with full access to information concerning the conduct of government, being mindful of individuals' privacy rights and the desirability of efficient administration of government. The Public Records Act provides a statutory framework by which to administer access to public records

The purpose of establishing this policy is to provide a method by which County staff will review and respond to requests for public records within the Public Records Act framework.

This policy does not apply to the courts. It also does not apply to public records of the State of Washington, such as the records of the Administrative Office of the Courts (AOC), the Washington State Patrol (WSP), the Department of Licensing (DOL) and the Department of Corrections (DOC), that may be available to the County's employees by virtue of digital connectivity.

## **Section 2 Interpretation and Construction**

The provisions of this policy shall be construed to promote full access to the County's public records in order to assure continuing public confidence in government: provided, that when making public records available the County shall prevent invasions of privacy, shall protect public records from damage or disorganization, and shall prevent excessive interference with essential government functions. (RCW 42.56.100)

## **Section 3 Public Records Available**

In accordance with RCW 42.56.080 public records shall be available for inspection and copying, and the County shall, upon a request for identifiable public records, make them promptly available to any person including, if applicable, on a partial or installment basis as records that

are part of a larger set of requested records are assembled or made ready for inspection or disclosure. The County shall not deny a request for identifiable public records solely on the basis that the request is overbroad. The County shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.56.070(8), or to establish a requestor's relationship to body worn camera videos as established in 42.56.240(14), or to determine the applicability of statutory exemptions or prohibitions on disclosure of specific information or records to certain persons. County facilities shall be made available to any person for the copying or inspecting of public records except when and to the extent that this would unreasonably disrupt the operations of the County. The County shall honor requests for identifiable public records unless exempted by Chapter 42.56 RCW or another law.

#### **Section 4      Exempt Records**

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 take note that there are many exemptions outside of the Public Records Act that may restrict the availability for inspection or release of some documents. A non-exhaustive list of exemptions is provided in Attachment D of this policy. This list is for informational purposes only and failure to include an exemption on the list shall not affect the efficacy of any exemption.

The County will comply with the protections for body worn camera recordings enacted in RCW 42.56.240(14).

The County is prohibited by statute from disclosing lists of individuals for commercial purposes. (RCW 42.56.070)

#### **Section 5      Authority, Responsibility, and Obligations**

##### **Public Records Officers Authority**

- A. Public Records Officers should serve as the point of contact for members of the public who request disclosure of public records. Public Records Officers will provide assistance to requestors, reasonably ensure that public records are protected from damage or disorganization, and prevent the fulfillment of public records requests from causing excessive interference with essential function of Pacific County. Public Records Officers may delegate the responsibilities of processing requests to other staff.
- B. The Human Resources/Risk Manager or designee is the Public Records Officer for the Board of County Commissioners, Department of Public Works, Department of Community Development, Department of Public Health and Human Services, Department of General Administration, Pacific County Fair, WSU Cooperative Extension, and Vegetation Management. This also includes all boards and commissions appointed by and reporting to the Board of County Commissioners and all funds administered by the Board of County Commissioners.
- C. Unless otherwise designated by an elected official, each elected official is the Public Records Officer for the offices of the Sheriff, Assessor, Auditor, Treasurer, Prosecutor, Clerk of Superior Court, and District Court Judges.

## County Staff Responsibility

- A. All county staff are responsible for assisting in identifying responsive records and facilitating thorough collection of records. For most county staff, producing records in response to records requests is a responsibility assigned in addition to their primary assigned duties and functions.
- B. The County will provide training to county staff regarding their obligations under the Public Records Act, including the responsibility of all employees to retain records according to the relevant retention schedule. (RCW 42.56.152)

## Requestors Obligations

- A. **Reasonable notice that request is for public records.** A requestor must give the County reasonable notice that the request is being made pursuant to the act. Requestors are encouraged to cite or name the act but are not required to do so. A request using the terms “public records,” “public disclosure,” “FOIA,” or “Freedom of Information Act” (the terms commonly used for federal records requests) should provide the County with reasonable notice in most cases. A requestor should not submit a “stealth” request, which is buried in another document in an attempt to trick the agency into not responding.
- B. **Identifiable record.** A public records request must be for identifiable records that exist at the time of the request. A request for all or substantially all records prepared, owned, used, or retained by the County is not a valid request for identifiable records, provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of the County’s records. The County is forbidden to conduct legal research for a requestor.
- C. **“Overbroad” requests.** The County cannot “deny a request for identifiable public records based solely on the basis that the request is overbroad.” (RCW 42.56.080)

## Section 6 Public Records Requests – How Made

- A. Public records may be inspected and/or copies may be obtained under the following procedures:
  - 1) A request for public records shall be directed to the Public Records Officer for the office or department having custody or control of the requested records. If the office or department of the records is unknown, then the request may be made to the Public Records Officer for the Board of Pacific County Commissioners.
  - 2) The County shall honor requests received in person during normal office hours, or by mail or email for identifiable public records. Requestors are encouraged to use Pacific County’s Public Records Center at <http://www.co.pacific.wa.us/Public-Records/index.htm>. Requests may also be submitted on the Records Request Form included in this policy as Attachment B, or if requesting body worn camera records, as Attachment C.
  - 3) If a public records request is made to county staff, other than in writing, staff should memorialize the request by completing Attachment B, the Records Request Form. Once the form is completed, staff should request the signature of the requestor to confirm the records requested are identified properly. Staff should then notify the Public Records Officer or Senior Public Records Coordinator, or enter the request directly into the Public Records Center, if possible.
- B. A request for public records should include the following:
  - 1) The requestor’s name, mailing address, and telephone number;

- 2) The date of the request;
  - 3) A clear indication that the document is a "Public Records Request;"
  - 4) Whether the request is to inspect the public records or for copies of public records if known, or both;
  - 5) A clear description of the public records requested for inspection and/or copying and the office or department having custody of the public records if known; and
  - 6) If the request is for a list of individuals, the requestor shall declare, in writing, under penalty of perjury pursuant to the laws of the State of Washington, that the list will not be used for commercial purposes (RCW 42.56.070). The requestor also must acknowledge that they are solely responsible for any consequences or damages arising from any commercial use of the list of individuals they are requesting.
  - 7) If the request is for a body worn camera recording, the request must:
    - a. Specifically identify a name of a person or persons involved in the incident;
    - b. Provide the incident or case number;
    - c. Provide the date, time, and location of the incident or incidents; or
    - d. Identify a law enforcement or corrections officer involved in the incident or incidents. (RCW 42.56.240)
  - 8) Records requests may only encompass existing records. They cannot be used to obtain copies of records not yet in existence or in the possession of the County.
- C. If an elected official or department maintains indexed records specifically for public inspection and copying, the Public Records Officer may permit inspection and copying in response to an oral request. However, the Public Records Officer may require a written request if the request is for, or the response may include, any of the following:
- 1) A list of individuals;
  - 2) Body worn camera recordings;
  - 3) Categorical requests not identifying a specific public record;
  - 4) Subjects pertaining to current, threatened or potential litigation;
  - 5) More than 50 pages of documents;
  - 6) Reproduction of oversized documents such as maps, surveys, large format photographs; or
  - 7) Public records or information exempt from disclosure.
- D. Requests for inspection or copying of public records maintained by an agency of the State of Washington or another government agency must be made to such agency and will be subject to that agency's rules and regulations, including required forms and fees.

## **Section 7      Inspection of Public Records**

Public records shall be inspected at the offices of the elected official or department having custody or control of the records. Public records shall be available for inspection during customary office hours. (RCW 42.56.100).

Public Records Officers may request that the person seeking to inspect public records schedule an appointment for inspection.

If a response to a PRA request or any installment portion of a response to a PRA Request is either not claimed or not reviewed within 30 days from the date that notice is received by the requestor that the records, or any installment is available, the County shall consider the request abandoned and is relieved of its obligation to retain the responsive records or to fulfill the balance of the request (RCW 42.56.100 & 120 and WAC 44-14-04005). If notice is sent by standard US Post Office First Class mail, notice shall be considered received three days following the date it is placed in the mail. Notice by other electronic means including email, text



message or facsimile transmission shall be considered received upon transmission. Notice by personal contact, such as telephone shall be considered received when given.

## **Section 8      Response to Public Records Requests**

- A. Mindful of the requirements of RCW 42.56.100, to the extent reasonably possible, the requests will be processed in the order allowing the most requests to be fulfilled/completed in the most efficient manner.
- B. Within five business days (day one is the first working day after the request is received) of receiving a public record request the Public Records Officer must respond in one of the following ways:
  - 1) providing the record
  - 2) providing an internet address and link on the County's web site to the specific records requested, except that if the requestor notifies the County that he or she cannot access the records through the internet, then the County must provide copies of the record or allow the requestor to view copies using a County computer
  - 3) acknowledging that the County has received the request and providing a reasonable estimate of the time the County will require to respond to the request
  - 4) acknowledging the County has received the request and ask the requestor to provide clarification for a request that is unclear, and providing to the greatest extent possible, a reasonable estimate of the time that will be required to respond to the request if it not clarified
  - 5) denying the public record request (RCW 42.56.520)
    - a. The County may deny a bot request that is one of multiple requests from the requestor to the County within a twenty-four-hour period, if responding to the multiple requests would cause excessive interference with other essential functions of the County. "Bot requests" means a request for public records that an agency reasonably believes was automatically generated by a computer program or script.
- C. The response letter should include language along the lines of the following statement: "We anticipate it may take up to \_\_\_\_ business days to fulfill this request." The estimate should reflect the timeframe received from the responsive department(s) and/or office(s) and include the expected time to review the records for exemptions from disclosure. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the records requested, and/or to notify third persons or agencies affected by the request. Requests that require immediate response in the interest of public safety (imminent danger), shall take priority over all other requests.
- D. In acknowledging receipt of a public records request that is unclear, the County may ask the requestor to clarify the information they are seeking. If the requestor fails to clarify the request, and the entire request is unclear, the County need not respond to it. Otherwise, the County must respond, to those portions of the request that are clear. If the requestor does not respond or provide adequate clarification within thirty (30) days of the clarification request, the County will send a letter to the requestor indicating the request, or the unclear portion, has been abandoned.
- E. If the Public Records Officer does not respond in writing within five working days after receipt of a request for public records, the requestor shall be entitled to request review by either the Public Record Officer's elected official or department head or by the Prosecuting Attorney.

- F. If the estimated time required to fulfill the request is believed to be unreasonable by the requestor, the requestor may then ask the appropriate elected official, department head or the Prosecuting Attorney to review the estimate of time.
- G. When a request for public records is received that concerns a subject known to involve litigation or an investigation that may be threatened, anticipated or pending, the Public Records Officer should promptly notify the County Prosecuting Attorney of the request.
- H. If requested records contain information that may affect the rights of others, would clearly not be in the public interest, or would substantially and irreparably damage any person (including current or past Pacific County employees), or may be exempt from disclosure, the Public Records Officer or designee may, prior to providing the records, give notice to the affected third person(s). (RCW 42.56.540)

**Notice to affected third parties.** The affected third party can file an action to obtain an injunction to prevent an agency from disclosing the requested records, but the third party must prove the record, or portion of it, is exempt from disclosure. (RCW 42.56.540)

The notice should inform the third party that release will occur on the stated date unless an order is obtained from Superior Court enjoining release. The requestor has an interest in any legal action to prevent the disclosure of the records requested. Therefore, the notice should inform the third party that they should name the requestor as a party to any action to enjoin disclosure. If an injunctive action is filed, the third party should name the requestor as a party or, at a minimum, must inform the requestor of the action to allow the requestor to intervene.

The notice to the affected third party should provide a minimum of fifteen (15) days to obtain an injunction and the deadline date will be provided to avoid any confusion. When third party notice is provided, the notice period shall be included in the “reasonable estimate” provided to the requestor.

If a court order preventing disclosure is timely received by the County, the records request shall be placed on hold until the Superior Court decides the matter.

- I. **Multiple requests by same party.** When the same requestor simultaneously submits multiple, separate requests or makes one or more additional requests when previous requests are open, staff may queue the requests in the order in which they were received. Staff is not required to work on an additional request from the same requester until the initial requests are completed or closed. Requestors are responsible for informing the Public Records Officer if they want to reprioritize the fulfillment of their requests.

## **Section 9      Resources Devoted to Public Records**

- A. Pacific County offices and departments shall devote sufficient staff time to providing “fullest assistance” to requestors in processing records requests, consistent with the Public Record Act’s requirement that fulfilling requests should not be an excessive interference with an agency’s other essential operations. (RCW 42.56.100)

## **Section 10      Fees for Public Records**

The County has determined that it would be unduly burdensome to calculate actual costs to provide public records due to the number of variables.

Fees for providing public records shall be charged in accordance with Attachment A of this policy.

## **Section 11     Protection of Public Records**

Each Public Records Officer should, to the extent practical, insure that records requested are not misplaced or misfiled by members of the public during inspections and not removed from a County office/department. Original public records shall not be released to the public for any purpose.

## **Section 12     Records Scheduled for Destruction**

All Public Records Officers, county officials and employees should follow the County's Retention of Public Records Policy. (Resolution 2013-051)

If a public record request is made at a time when a record exists, but the record is scheduled for destruction in the near future, the record should be retained until the request is resolved.

## **Section 13     Searching Public Records-Back-up and Security Copies**

In order to prevent excessive interference with essential functions of the County, Public Records Officers should not search backup or security systems for copies of public records when the originals of such records have been identified, located and are available for inspection and/or copying.

## **Section 14     Review of Denied Public Records Requests**

- A. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) 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. Upon receipt of the petition, the public records officer shall promptly provide the petition and any other relevant information to the Prosecutor's Office. The Prosecutor, or designee, will immediately consider the petition and either affirm or reverse the denial within five business days following the receipt of the petition, or within such other time as the Prosecutor and the requestor mutually agree to.
- C. Administrative remedies shall not be considered exhausted until the prosecuting attorney has made a written decision, or until the close of the fifth business day following receipt of the written request for review of the action of the public records officer, whichever occurs first.
- D. For purpose of the public disclosure laws, the County shall have concluded a public record is exempt from disclosure only after the review conducted under this section has been completed.

## **Section 15     Electronic Information**

- A. The County produces and maintains data in electronic records to maximize efficiency in fulfilling its basic public service functions. These electronic records relate to the operation and conduct of County government.
- B. Electronic records are public records subject to disclosure under the Public Records Act and this policy, unless exempt from disclosure under state or federal law.
- C. At the option of the Public Records Officer, or if desired by the requestor, electronic records may be printed and provided in paper format, subject to the paper records portion of the fee schedule. If the electronic record is large and/or not capable of being printed in an



understandable format, then the electronic record may be provided in the digital format in which the record is maintained by the County. The County is not obligated to convert an electronic record to a digital format that is different than the format maintained by the County.

- D. Fees (Attachment A) for providing electronic records in electronic form shall include the actual cost of the media used to provide the records unless the electronic records are provided through the online Public Records Center portal. If the electronic records are provided through the Public Records Center portal, the electronic records fees shall be as stated in the fee schedule.
- E. The County has no obligation to create custom electronic products by acquiring data, running custom queries, programming software, testing models, reformatting data, or configuring a product in order to respond to a specific request.

#### **Section 16 Resolution and Policy Available to Public**

A copy of the Resolution adopting the policy, as well as the policy and all attachments, should be made available to the public, without cost, at each County office and/or department.

#### **Section 17 Disclaimer of Liability**

Neither the County 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 acted in good faith in attempting to comply with this policy. (RCW 42.56.060)

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Nothing in this policy is intended to impose mandatory duties on the County beyond those imposed by state and federal law.

#### **Section 18 Revised Code of Washington 42.56**

Chapter 42.56 of the Revised Code of Washington can be found on the Washington State Legislature's web page at <http://apps.leg.wa.gov/RCW/default.aspx?cite=42.56>

#### **Section 19 Effective Date**

The effective date of this policy shall be the day following its adoption.

## FEES FOR PUBLIC RECORDS

Pacific County declares that it would be unduly burdensome to calculate actual costs for providing public records due to the limited number of staff dedicated to fulfilling requests for public records as their exclusive job duties.

- A. In determining the actual cost for providing copies of public records, the County may include all costs directly incident to copying such public records including:
  - 1) The actual cost of the paper and the per page cost for use of County copying equipment; and
  - 2) The actual cost of the electronic production or file transfer of the record and the use of any cloud-based data storage and processing service.
  
- B. In determining other actual costs for providing copies of public records, the County may include all costs directly incident to:
  - 1) Shipping public records, including the cost of postage or delivery charges and the cost of any container or envelope used; and
  - 2) Transmitting records in an electronic format, including the cost of any transmission charge and use of any physical media device provided by the County.
    - a. In determining the actual costs for providing copies of public records, the County may not include staff salaries, benefits, or other general administrative or overhead charges, unless those costs are directly related to the actual cost of copying the public records. Staff time to copy and send the requested public records may be included in the County's costs. (RCW 42.56.070(7))
    - b. For charges involving staff salaries, the hourly rate (not including benefits) will be used.
  
- C. Unless a fee is fixed by another federal, state or county ordinance/resolution, the following fee schedule is applicable:
  - 1) Fifteen cents 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;
  - 2) Ten cents per page for public records scanned into an electronic format or for the use of agency equipment to scan the records;
  - 3) Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and
  - 4) Ten cents 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 agency shall take reasonable steps to provide the records in the most efficient manner available to the agency in its normal operations; and
  - 5) The actual cost of any digital storage media or device provided by the agency, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge may be included in the fees (including requests for faxed records).

- 6) The cost for providing records on a CD will be \$1.00 (including the protective case) in addition to any applicable electronic records costs.
  - 7) Any request for which the response will be more than 50 pages of documents, oversized documents, color photographs or reproductions, recordings and computer disks may be sent to a private copying service for copying, in which case the copying fee shall be the actual charge imposed for copying, applicable taxes and shipping costs and shall include staff time (including benefits) for travel and mileage at the current rate set by WA State Office of Financial Management.
  - 8) Requests for body worn camera recordings may require the requestor to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure. The fee will be the hourly rate (not including benefits) of the staff member spent on performing the redaction, prorated to the actual time spent redacting. This fee will not apply if the exceptions listed in RCW 42.56.240(14)(e) apply to the requestor.
- D. The fee for copying may be waived for a single request if the expense of processing the payment exceeds the costs of providing the copies. In general, costs may be waived if a single request involves less than 50 pages or is \$5.00 or less in total.
- E. No fee will be charged for the following:
- 1) the inspection of a public record, except as provided in RCW 42.56.240(14)
  - 2) locating public records in response to a request and making the records available for inspection or copying
  - 3) searching for public records, redacting portions of a record which are exempt from disclosure, or preparing an index of exempt documents, except as provided in RCW 42.56.240(14).
- F. The Public Records Officer may require a deposit of up to 10% before copying or redacting requested public records. (RCW 42.56.120)
- G. If records are provided on an installment basis, the Public Records Officer may charge and collect all applicable copying fees (not limited to the ten percent deposit) for each installment. (RCW 42.56.120) The Public Records Officer may also require that copying and delivery fees be paid in full prior to the release of the final installment of records.
- H. Payments may be made by:
- 1) Cash (in the exact amount due, paid in person at the General Administration Office); or
  - 2) Check or money order (in the exact amount due) made payable to Pacific County.
- I. If the fees due for any installment of a records request are not timely paid, the County will not be obligated to prepare further records and the County shall provide thirty days from the date of mailing for the Requestor to pay any fees due and to claim or review the records. If the requestor does not pay the fees and claim the responsive records within the given time frame, the County is relieved of its obligation to fulfill the balance of the request and shall close the file and notify the requestor. (RCW 42.56.120)



# Public Records Request Form

**\*Not for use if requesting body worn camera video\***

REQUEST # \_\_\_\_\_  
For Official Use Only

Requests for public records can be mailed, emailed,  
faxed, or hand-delivered.

Requestor: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

**RECORDS REQUESTED:** Please describe the identifiable records you are requesting and any additional information that will help us locate said records (dates, names, parcel #, etc.) RCW 42.56.520 requires a response within five (5) business days. **If this is a request for body worn camera video, please use the Body Worn Camera Records Request form.**

Desired format of records requested: ☐ paper ☐ electronic

I understand that Washington State Law (RCW 42.56.070(8)) prohibits the use of lists of individuals for commercial purposes. I understand that "commercial purposes" means that the list will be used for the purpose of facilitating profit-expecting activity. I hereby declare under penalty of perjury pursuant to the laws of the State of Washington that I will not use any list of individuals obtained from this request for commercial purposes. I also acknowledge that I am solely responsible for any consequences or damages arising from my commercial use of any list of individuals I am obtaining.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ City/State where signed: \_\_\_\_\_

Employee is required to sign if completed on behalf of the requestor and the requestor chose not to sign or is unable to sign

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ City/State where signed: \_\_\_\_\_

## FOR OFFICIAL USE ONLY

Date received: \_\_\_\_\_ Received by: \_\_\_\_\_  
Name & Department/Office

Request received ☐ in person ☐ telephone ☐ fax ☐ email ☐ letter Date response required: \_\_\_\_\_

Request forwarded to: \_\_\_\_\_ Date forwarded: \_\_\_\_\_

### **Action Taken**

- ☐ Approved; request fulfilled. Notified Requestor records are available and where. If copies requested and payment or deposit on payment has been made: copies sent.
- ☐ Fulfilled via: ☐ paper copies (over the counter) ☐ email ☐ other (specify): \_\_\_\_\_
- ☐ No responsive records. Notified Requestor.
- ☐ Request to be denied; IMMEDIATELY forward to Prosecuting Attorney for review.
- ☐ Record partially withheld. Notified Requestor with reason for partial withholding listing exemption(s) cited. Copy of letter attached.
- ☐ Legal review required. Estimate \_\_\_\_\_ days needed for final response. Notified Requestor. Copy of letter attached.
- ☐ Clarification needed from Requestor. Contacted for clarification & notified of revised estimate of when records will be available. Copy of letter attached.
- ☐ DENIAL APPROVED: Requestor to be notified by mail of reasons for denial.

Comment: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Pacific County Body Worn Camera Request Form

REQUEST # \_\_\_\_\_  
For Official Use Only

Requests for public records can be mailed, emailed, faxed, or hand-delivered.

Requestor: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

**RECORDS REQUESTED:** Please describe the identifiable records you are requesting and any additional information that will help us locate said records (dates, names, parcel #, etc.) RCW 42.56.520 requires a response within five (5) business days. **RCW 42.56.240(14)(d) A request for body worn camera recordings must include at least one of the following:**

Name(s) of person(s) involved in incident: \_\_\_\_\_

Case number(s): \_\_\_\_\_

Location(s), date(s), and time(s) of incident: \_\_\_\_\_

Identifying information of PCSO personnel involved in incident: \_\_\_\_\_

Desired format of records requested: ☐ USB drive ☐ Records Center portal download

**REDACTION FEE:** Please select the boxes that apply. Boxes 1 - 5 may qualify for a fee waiver. RCW 42.56.240(14)(e):

- ☐ 1. I am a person directly involved in the recorded incident. ATTACH PHOTO ID WITH REQUEST.
- ☐ 2. I am an attorney representing a person directly involved in the recorded incident.
- ☐ 3. I am a person, or his or her attorney, requesting the recording relevant to a criminal case involving that person.
- ☐ 4. I am the executive director of the Washington State commission on African-American affairs, Asian Pacific American Affairs, or Hispanic affairs.
- ☐ 5. I am an attorney representing a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state constitution or a violation of a United States Department of Justice settlement agreement and seek relief from redactions costs pursuant to RCW 42.56.240(14)(e).
- ☐ 6. None of the above; I am not eligible for a video redaction fee waiver. I understand that I will be charged video redaction costs as outlined in the Pacific County Public Records Policy, an estimate will be provided, and a 10% deposit is required prior to processing the request (or installment of the request).

If you are an attorney, please provide your Bar Association number, state of licensure and contact information: \_\_\_\_\_

If you checked Box 5 above, in addition to providing the above information, you must provide a statement explaining the relevancy of the requested body worn camera recording to the cause of action and specify that you are seeking relief from redaction costs pursuant to 42.56.240 (14)(e).

I understand that Washington State Law (RCW 42.56.240(14)) requires certain information in order for a request for body worn camera recordings to be valid. I understand that there may be fees associated with this request, as allowed by this statute.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ City/State where signed: \_\_\_\_\_

Employee is required to sign if completed on behalf of the requestor and the requestor chose not to sign or is unable to sign

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ City/State where signed: \_\_\_\_\_

## Exemption and Prohibition Statutes not listed in Chapter 42.56 RCW

RCW 42.56.070(2) requires an agency to:

publish and maintain a current list containing every law, other than those listed in the PRA, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption.

### Washington State Statutes

RCW 2.64.111	Judicial conduct commission investigations of judges and initial proceedings
RCW 4.24.550	Information on sex offenders
RCW 4.24.601 and .611	Trade secrets and confidential research, development or commercial information re products or business methods
RCW 5.60.060	Privileged communications
RCW 5.60.070; RCW 7.07.070	Mediation records
RCW 7.68.140	Victims' compensation claims
RCW 7.69A.030(4)	Name, address and photograph of child victim or child witness
RCW 7.69A.050	Child victims and witnesses of certain crimes – protection of address
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 9.02.100	Reproductive privacy
RCW 9.41.097(2)	Mental health information re persons buying pistols or applying for CPLs
RCW 9.41.129	Concealed pistol license applications
RCW 9.73.230	Name of confidential informants in written report on wire tapping
RCW 9.51.050	Disclosing transaction of grand jury
RCW 9.51.060	Disclosure of grand jury deposition
RCW 9.73.090(1)(c)	Prohibition on disclosure of law enforcement dash cam videos until final disposition of litigation
RCW 9A.44.138	Offender registration information given to high school or institution of higher education re an employee or student
RCW 9A.82.170	Financial institution records re criminal profiteering act
RCW 10.27.090	Grand jury testimony/evidence
RCW 10.27.160	Grand jury reports – release to public only by judicial order
RCW 10.52.100	Records identifying child victims of sexual assault
RCW 10.77.205	Information re victims, next of kin, or witnesses requesting notice of release of person found not guilty of a sex, violent, or felony harassment offense by reason of criminal insanity and the notice itself



RCW 10.77.210	Records of persons committed for criminal insanity
RCW 10.97.040	Criminal history information released must include disposition, with some exceptions
RCW 10.97.050	Conviction and criminal history information
RCW 10.97.060	Deletion of certain criminal history record information, conditions
RCW 10.97.070	Disclosure of identity of suspect to victim
RCW 10.97.080	Inspection of criminal record by subject
RCW 10.97.130	Information about victims of sexual assault under age eighteen
RCW 10.101.020(3)	Information given by an accused regarding determination for indigent defense
RCW 13.34.115	Court dependency proceedings
RCW 13.40.217	Juveniles adjudicated of sex offenses – release of information
RCW 13.50.010	Maintenance of and access to juvenile records
RCW 13.50.050	Juvenile offender records
RCW 13.50.100	Juvenile/children records not relating to offenses
RCW 13.60.020	Missing children or endangered person information
RCW 18.04.405	Confidentiality of information gained by CPA
RCW 18.19.060	Notification to clients by counselors
RCW 18.19.180	Confidential communications with counselors
RCW 19.215.020	Destruction of personal health and financial information
RCW 19.34.240(3)	Private digital signature keys
RCW 19.215.030	Compliance with federal rules
RCW 26.04.175	Name and address of domestic violence victim in marriage records
RCW 26.12.170	Reports of child abuse/neglect with courts
RCW 26.23.050	Child support orders
RCW 26.23.120	Child support records
RCW 26.26.041	Uniform Parentage Act – protection of participants
RCW 26.26.450	Confidentiality of genetic testing
RCW 26.33.330	Sealed court adoption records
RCW 26.33.340	Agency adoption records
RCW 26.33.343	Access to adoption records by confidential intermediary
RCW 26.33.380	Adoption – identity of birth parents confidential
RCW 26.44.010	Privacy of reports on child abuse and neglect
RCW 26.44.031	Information related to reports of child abuse or neglect
RCW 26.44.125	Reports, reviews and hearings related to a review of abuse finding
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 29A.08.720	Voter registration records – place of registration and any decision not to register to vote confidential
RCW 29A.08.710	Voter registration records – certain information exempt
RCW 35.102.145	Municipal business and occupation tax – local ordinance can protect return or tax information

RCW 36.28A.060(8)	Tactical and intelligence information provided to WASPC
RCW 39.10.470(2)	Alternative public works - trade secrets or other proprietary information submitted by bidder in connection with an alternative public works transaction if data identified and reasons stated in writing
RCW 39.10.470(3)	Alternative public works – proposals submitted by design-build finalists until notification of highest scoring finalist is made
RCW 42.23.070(4)	Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7)	Identity of local government whistleblower
RCW 42.41.045	Non-disclosure of protected information (whistleblower)
RCW 43.43.762	Contents of statewide criminal street gang database
RCW 46.12.635	Vehicle registration
RCW 46.52.065	State toxicologist records relating to analyses of blood samples
RCW 46.52.080	Traffic accident reports – confidentiality
RCW 46.52.083	Traffic accident reports – available to interested parties
RCW 46.52.120	Traffic crimes and infractions – confidential use by police and courts
RCW 46.52.130(2)	Abstract of driving record – limited disclosure
RCW 48.62.101	Local government insurance/risk management liability reserve funds established to settle claims
RCW 50.13.060	Access to employment security records by local government agencies
RCW 50.13.100	Disclosure of confidential employment security records allowed if identifying information deleted or with consent
RCW 51.28.070	Worker’s compensation records confidential – limited disclosure
RCW 51.36.060	Physician information on injured workers
RCW 60.70.040	No duty to disclose record of common law lien
RCW 68.50.105	Autopsy reports – confidential – limited disclosure
RCW 68.50.320	Dental identification records – available to law enforcement agencies
Ch. 70.02 RCW	Medical records – access and disclosure – entire chapter (information from HC providers)
RCW 70.05.170	Child mortality reviews by local health departments
RCW 70.24.022	Public health agency information regarding sexually transmitted disease investigations - confidential
RCW 70.24.024	Transcripts and records of hearings regarding sexually transmitted diseases
RCW 70.28.020	Local health department TB records – confidential
RCW 70.41.200	Hospital quality improvement committee records and accreditation reports
RCW 70.48.100	Jail records and booking photos
RCW 70.58.055	Birth certificates – certain information confidential
RCW 70.58.104	Vital records, research confidentiality safeguards

RCW 70.94.205	Washington Clean Air Act – confidentiality of data.
RCW 70.96A.150	Registration and other records of alcohol and drug abuse treatment programs
RCW 70.123.075	Client records of domestic violence programs
RCW 70.125.065	Records of community sexual assault program and underserved populations provider in discovery
RCW 71.05.425	Notice of release or transfer of committed person after offense dismissal
RCW 71.05.445	Release of mental health information to Dept. of Corrections
RCW 71.05.620	Access to court records related to mental health cases under chapter 71.05 RCW
RCW 71.24.035(5)(g)	Mental health information system – state, county and regional support networks – confidentiality of client records
RCW 71.34.335	Mental health treatment of minors – records confidential
RCW 71A.14.070	Records regarding developmental disability – confidentiality
RCW 72.09.345	Notice to public about sex offenders – department of corrections access to information
RCW 72.09.585	Disclosure of inmate records to local agencies – confidentiality
RCW 73.04.030	Veterans discharge papers exemption (see related RCW 42.56.440)
RCW 74.04.060	Applicants and recipients of public assistance
RCW 74.04.520	Food stamp program confidentiality
RCW 74.13.075(5)	Juvenile’s status as a sexually aggressive youth and related info
RCW 74.13.280	Children in out-of-home placements - confidentiality
RCW 74.20.280	Child support enforcement – local agency cooperation, information
RCW 74.34.095	Abuse of vulnerable adults - confidentiality of investigations and reports
RCW 82.32.330	Disclosure of tax information
RCW 84.36.389	Confidential income data in property tax records held by assessor
RCW 84.40.020	Confidential income data supplied to assessor regarding real property

## Selected Federal Confidentiality Statutes and Rules

18 USC § 2721 - 2725	Driver and License Plate Information
20 USC § 1232g	Family Education Rights and Privacy Act
23 USC § 409	Evidence of certain accident reports
42 USC 290dd-2	Confidentiality of Substance Abuse Records
42 USC § 405(c)(2)(C)(viii) (I)	Limits on Use and Disclosure of Social Security Numbers.
42 USC 654(26)	State Plans for Child Support
42 USC 671(a)(8)	State Plans for Foster Care and Adoption Assistance
42 USC 1396a(7)	State Plans for Medical Assistance
7 CFR 272.1(c)	Food Stamp Applicants and Recipients
34 CFR 361.38	State Vocational Rehabilitation Services Programs
42 CFR Part 2 (2.1 - 2.67)	Confidentiality of Alcohol and Drug Abuse Patient Records
42 CFR 431.300 - 307	Safeguarding Information on Applicants and Recipients of Medical Assistance
42 CFR 483.420	Client Protections for Intermediate Care Facilities for the Mentally Retarded
42 CFR 5106a	Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
45 CFR 160-164	HIPPA Privacy Rule
46 CFR 40.321	USCG regulations regarding confidentiality
28 USC § 534(b)	Information from the FBI
5 USC § 552(a)	SSN # & Passport #
26 USC § 6103(a)	Taxpayer information
42 USC § 12112(d)(3)	Employee ADA accommodations
17 USC § 102, 301, and 106(1)	Federal Copyright Act