

## 2.1.15

### Public Records

Pursuant to the Washington Public Records Act, Chapter 42.56 RCW (the "Act"), it is the policy of the San Juan Island Library District (the "District"), upon request, to make available for inspection and copying its public records. The District espouses open government and therefore promotes full access to its public records with noted exemptions.

#### A. Records Retention Schedules

The District adopts the most current State of Washington Local Records Committee's Local Government Common Records Retention Schedule and Records Management guidelines as its public records retention schedule and authorization for destruction. A copy of the Local Government Common Records Retention Schedule and Records Management guidelines is available in the Library Director's office. If a requested record is scheduled for destruction under the State's records retention schedule, the record may not be destroyed until any open public disclosure request or pending litigation involving that record has been resolved. Once the request has been closed or litigation settled or closed, such record may be destroyed in accordance with the retention schedule.

#### B. Definitions

- 1) 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 the District regardless of physical form or characteristics.
- 2) A **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, and includes email, text messages, social media posts and electronic databases.
- 3) A **requestor** is a person requesting a public record for inspection or copying.
- 4) **Redact** means to remove, delete, or black out information that is exempt from public disclosure.

#### C. Public Records Officer

The District designates the Library Director as its Public Records Officer. The Public Records Officer shall oversee the District's compliance with the Act, but may designate tasks to other staff members in responding to requests.

#### D. Availability of Public Records

District public records are to be available for public inspection and duplication, except as otherwise exempted, at the San Juan Island Library, 1010 Guard Street, Friday Harbor WA 98250, during normal business hours.

#### E. Exemptions from Disclosure

- 1) The Act provides a number of categories of public records that are exempt from public inspection and copying. Examples include records identifying library users and checked out materials, personnel information that violates one's right to privacy, land acquisition, donor identification, and more. The Act also prohibits the disclosure of lists of individuals to be used for commercial purposes. Reference: RCW 42.56.001 – 42.46.904.
- 2) In addition, the Act provides that certain public records may be exempt from disclosure if any other statute or law exempts or prohibits disclosure. A non-exclusive list of these exemptions is available at: <http://mrsc.org/getmedia/796a2402-9ad4-4bde-a221-0d6814ef6edc/Public-Records-Act.pdf.aspx?ext=.pdf#page=67>.

#### F. Requests for Public Records

A public records request must be for identifiable records. A request for all or substantially all records

prepared, owned, used, or retained by an agency is not a valid request.

A public record may be obtained by members of the public using the following procedures:

- 1) All requests for inspection and copying of documents must be made to the Public Records Officer.
- 2) Using the District's Public Records Request Form (available online and in person), requests may be written, emailed, or mailed. Requests may be sent to or turned in at San Juan Island Library, 1010 Guard St., Friday Harbor, WA 98250, or to [sjlib@sjlib.org](mailto:sjlib@sjlib.org).
- 3) The Public Records Officer may accept, but shall not be required to accept, requests for public records that contain the above information by telephone or in person. If accepting such a request, the officer shall confirm receipt of the information and the substance of the request in writing.
- 4) The request should include the following information:
  - The name, address and telephone number of the person requesting the record;
  - The time of day and calendar date on which the request was made;
  - Identification of the public records requested adequate for the Public Records Officer to locate the records; and
  - Whether the requestor is seeking to inspect the record(s) and/or is requesting copies.
- 5) The District may deny frequent, automatically generated "bot requests" received from the same requestor within a 24-hour period where the District establishes that responding to the multiple requests would cause excessive interference with other essential District functions.

#### **G. Processing of Public Records Requests - General**

All assistance necessary to help requestors locate particular responsive records shall be provided by the Public Records Officer, provided that the giving of such assistance does not unreasonably disrupt the daily operations of the District.

##### 1) Acknowledging and fulfilling requests

Within five (5) business days of receipt of the request, the Public Records Officer will do one or more of the following:

- Provide the records available for inspection or copying;
- Provide an internet address and link on the District's website to the specific records requested, except that if the requestor notifies the District that he or she cannot access the records through the internet, then the District must provide copies of the records or allow the requestor to view copies using a District computer;
- Acknowledge receipt of the request and provide a reasonable estimate of time the District will require to respond to the request;
- Acknowledge the request and ask the requestor to provide clarification for a request that is unclear, and provide to the greatest extent possible, a reasonable estimate of time necessary to respond to the request;
- Contact a third party affected by the request;
- Deny the request based on specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld. RCW 42.56.210(3)

##### 2) Clarification

If the request is unclear or does not sufficiently identify the requested records, the District may ask the requestor to clarify what information the requestor is seeking. Such clarification may be requested and provided by telephone or in writing. The Public Records Officer may revise the estimate of when records will be available.

##### 3) Third Party Notice

If the requested records contain information that may affect the rights of others and may be exempt from disclosure, the Public Records Officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure so that they may seek a revision of the request through the requestor, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons shall include a copy of the request.

- 4) Redaction  
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 Public Records Officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld.
- 5) Costs of Providing Copies of Public Records  
There is no fee for inspecting public records.  
Photocopies and printed copies of electronic public records (when requested) will incur a charge equal to the lesser of the District's per page fee for public copying or the maximum amount permitted by the Act (fifteen cents per page as of 1/9/24). The District may also charge for the actual cost of any container or envelope used for mailing, and the actual cost of postage or delivery charges. The District may require payment of a deposit of up to 10% of the estimated costs of copying the requested records for large requests. Payment of all costs must be received prior to the release of records.  
The District may waive charges associated with fulfilling a request based on various factors, including the volume and format of the responsive documents.
- 6) Access to Records  
The District shall promptly provide space to inspect public records. Arrangements for inspection and/or copying must be made in advance. No member of the public may remove public records from the viewing area or disassemble or alter any public record.
- 7) Consequence of Failure to Review Request  
The requestor must claim or review the assembled records within thirty (30) days of the District's notification to the requestor that the records are available for inspection or copying. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the request will be deemed abandoned and will be administratively closed without further communication to the requestor. District may close the request and re-file the assembled records.
- 8) Completion of Search  
When inspection of the requested records is complete and all requested copies are provided, the Public Records Officer shall indicate that the District has completed a diligent search for the requested records and made any located non-exempt records available for inspection, and the request shall be considered closed.
- 9) Closing Request  
When the requestor withdraws the request, fails to clarify an unclear request, fails to fulfill the requestor's obligations to inspect the records or fails to pay for the deposit or the final cost for the requested copies, the Public Records Officer shall close the request and indicate to the requestor that the District has closed the request.
- 10) Later Discovered Records  
If, after the District has informed the requestor that it has provided all available records, the District becomes aware of additional public records existing at the time of the request that are responsive to the request, it shall promptly inform the requestor of the additional public records and make them available for inspection on an expedited basis.
- 11) Consequence of Disclosing Record in Error  
The District and its officials and employees are not liable for loss or damage based on release of a public record if the District or employee acted in good faith in attempting to comply with the Act.
- 12) No Duty to Create Records  
The District is not obligated to create a new record to satisfy a records request or provide information in a format that is different from the original record. However, the District may, in its discretion, create such a new record to fulfill the request where it may be easier for the District 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.

13) No Duty to Supplement Responses

The District is not obligated to hold current records requests open to respond to requests for District public records that may be created in the future. If a public record is created or comes into the possession of the District after a request is received by the District, it is not responsive to the request and will not be provided. A new request must be made to obtain later-created public records.

**H. Processing of Public Records Requests – Electronic Records**

- 1) The process for requesting electronic records is the same as for requesting paper public records.
- 2) When a requestor requests records in an electronic format, the Public Records Officer shall provide the non-exempt records or portions of such records that are reasonably locatable in an electronic format that is used by the District and is generally commercially available. The District has no duty to scan paper copies of records into electronic documents, but may do so at its own discretion.
- 3) When records are provided electronically on a CD, DVD, thumb drive, flash drive or other electronic device, the requestor will be charged for the cost of the electronic storage device.

**I. Review Process**

The District encourages any requestor who believes a record has been wrongfully withheld, in whole or in part, to meet and confer with the Public Records Officer, allowing no less than two (2) business days to amend its response to facilitate a quick resolution to any disputes.