

Policy Section 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 that are not exempt under the Act or other applicable law.

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, and social media posts.
- 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 individual serving as the Public Records Officer may change over time and current contact information is available on the District's website and inside the library. The Public Records Officer shall oversee the District's compliance with the Act, but may delegate 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 copying, except as otherwise exempted, at the San Juan Island Library, 1010 Guard Street, Friday Harbor WA 98250, during normal business hours.

For reasons stated in Resolution #6-2024, adopted by the Board of Trustees on November 12, 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.

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 directed to the Public Records Officer.
- 2) Using the District's Public Records Request Form, requests may be written, emailed, or mailed. Requests may be sent or turned in at San Juan Island Library, 1010 Guard St., Friday Harbor, WA 98250, or emailed to sjlib.org. Written requests in other formats are also acceptable; however, because social media and voicemails may not be monitored daily, the District does not accept public records requests via these means.
- 3) While requestors are encouraged to submit requests in writing using the District's Public Records Request Form, the District's Public Records Officer will also accept requests for public records that comply with the Act by telephone or in person during public access hours. If making such a request, the requestor shall provide their contact information for purposes of communication about the request, and the Public Records 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, phone number, and address or email address 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 with descriptions adequate for the District 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 or designee, 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 (excluding Saturdays, Sundays, and legal holidays), the Public Records Officer or designee will do one or more of the following:

- Make 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 make

copies of the records available 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;
- Deny the request based on specific exemption authorizing the withholding of the record (or part) and include 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 District may revise the estimate of when records will be available. If an unclear request is not clarified within 30 days (or another time if specified by the District) of the District's request for clarification, the District may close the request and notify the requestor.

3) Third Party Notice

If the requested records contain information that may affect the rights of others and may be exempt from disclosure, the District 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 and Exemptions

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 District will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld.

5) Processing Requests

The District will aim to process requests in an order that allows requests to be processed most efficiently. When determining or extending the amount of time within which the District anticipates it will need to respond to a request, the District may consider a variety of factors, including (but not limited to) 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 requesters; and the impact on other essential District functions.

6) Law Enforcement Requests

The District may consult with legal counsel before releasing information to law enforcement. Law enforcement may 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.

7) Costs of Providing Copies of Public Records

There is no fee for inspecting public records.

Fees for paper or electronic copies of public records will be charged pursuant to the state statutory default copying charges detailed in RCW 42.56.120. The District is not calculating actual costs for copying its records because to do so would be unduly burdensome for the following reasons: The District does not have the resources to conduct a study to

determine actual copying costs for all its records; to conduct such a study would interfere with other essential District functions; and, through the legislative process, the public and requestors have commented on and been informed of authorized fees and costs provided in the Public Records Act including RCW 42.56.120 and other laws. Therefore, in order to timely implement a fee schedule consistent with the Public Records Act, it is more cost efficient, expeditious, and in the public interest for the District to adopt the state legislature's approved fees and costs for most of the District's records, as authorized in RCW 42.56.120, and as published in the fee schedule in Section J, below. At their discretion, the Public Records Officer may elect to waive these fees. Fees may generally be waived when the expense of billing exceeds the cost of copying and postage.

Before beginning to make copies or processing a customized service, the District may require payment of a deposit of up to 10% of the estimated costs of copying the requested records. The District may also require the payment of the remainder of the copying costs before providing all the records, or payment of costs of copying an installment before providing that installment.

A requestor may ask the District to provide, and if requested the District shall provide, a summary of applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges.

Payment may be made by cash, credit card, or money order to the San Juan Island Library District.

8) Access to Records

Consistent with other demands, the District shall promptly provide space to inspect public records by appointment. To schedule an appointment, contact the Public Records Officer through the contact information posted on the District's website. Arrangements for inspection and/or copying must be made in advance. Inspection of public records must occur in a non-disruptive manner. The requestor shall indicate which records they wish to have copied using a mutually agreed upon nonpermanent method of marking the desired record. No member of the public may remove public records from the viewing area or disassemble or alter any public record.

9) Consequence of Failure to Review Assembled Records

The requestor must claim or review the assembled records within thirty (30) days (or another time if specified by the District) 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 the District will notify the requestor that the request has been closed. The District may re-file the assembled records, and any subsequent request by the same requestor for the same or almost identical records may be processed as a new request.

10) Providing Records in Installments

The District may, in its discretion, choose to provide copies of records or make records available for inspection or copying on an installment basis. If the requestor fails to inspect or pay for an installment of records within thirty (30) days (or another time if specified by the District) of notice that the records are available, the District may stop searching for remaining records and close the request.

11) Completion of Inspection

When inspection of the requested records is complete and all requested copies are provided, the Public Records Officer or designee shall indicate that the District has

completed a reasonable search for the requested records and made any located non-exempt records available for inspection, and the request shall be considered closed.

12) Closing the 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 within a time specified by the District, the District shall close the request and indicate to the requestor that the District has closed the request.

13) 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 on an expedited basis. Any subsequent production of records after a request has been closed will not restart the limitations period for seeking judicial review.

14) Consequence of Disclosing Record in Error

Neither the District nor any officer, employee, 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 policy or process outlined in this document, or to comply with the Act.

15) 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, produce records in a different format than the original record, and may, in its discretion, create a new record to fulfill the request, including (but not limited to) in instances 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.

16) No Duty to Supplement Responses

The District is not obligated 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.

When a requestor requests records in an electronic format, the District 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, or in a format that is reasonably translatable from the format in which the District keeps the record. 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 conveniently via email.

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 according to the agency's fee schedule.

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.

J. Fee Schedule

1) Inspection:

- a. No fee: Inspection of agency records on agency's public interest web site or scheduled at agency office.
- b. No fee: Accessing or downloading records the agency routinely posts on its public internet web site, unless the requestor asks the agency for records to be provided through other means (the following copy charges below then apply).

2) Copies:

- a. 15 cents per page: Photocopies, printed copies of electronic records when requested by the requestor, or for the use of District equipment to make photocopies.
- b. 10 cents per page: Scanned records, or use of District equipment for scanning.
- c. 5 cents for every four electronic files or attachments: Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery.
- d. 10 cents per gigabyte: Records transmitted in electronic format or for use of agency equipment to send records electronically.
- e. Actual cost: Digital storage media or device provided by the District—CD, DVD, thumb drive, or other digital storage media device.
- f. Actual cost: Envelope or other packing materials needed to mail records.
- g. Actual cost: Postage or delivery charges – Specific amount based upon postage/delivery charges for specific mailings or deliveries.

3) Customized Service:

- a. Actual cost: Data compilations prepared or accessed as a customized service pursuant to RCW 42.56.120(3) (cost is in addition to above fees for copies).

4) Charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request.

5) As an alternative to the charges above, the District may, in its discretion, choose to charge a flat fee of up to two dollars for any request when the District reasonably estimates and documents that the costs are clearly equal to or more than two dollars if calculated according to the charges above.

[Date Adopted: January 9, 2024]

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