

SNOHOMISH COUNTY 911 PUBLIC RECORDS POLICY

PURPOSE

SNOHOMISH COUNTY 911, as a public entity, is dedicated to ensuring that its required record keeping complies with all Federal, state and local laws that regulate the maintenance, storage, retention, destruction, release of confidential information and access to public records. All records kept by SNOHOMISH COUNTY 911 shall comply with applicable sections of The Revised Code of Washington and the Washington Administrative Code. SNOHOMISH COUNTY 911 has established the following written policy and procedures for managing records according to the provisions of the Public Records Act (Ch. 42.56 RCW) and all other state and federal statutes and regulations that govern agency records management practices. This policy is internal administrative purposes only and in no way is intended to impose or create any duties or obligations beyond what is found in the referenced statutes.

POLICY

DEFINITIONS

Public Record. According to RCW 42.56.010(3), 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 any state or local agency regardless of physical form or characteristics...”

Writing. RCW 42.56.010(4) states, “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.”

RETENTION and DISPOSITION of PUBLIC RECORDS

SNOHOMISH COUNTY 911 shall comply with the records retention and destruction requirements and disposition recommendations contained in the Local Government Common Records Retention Schedule 4.0 (May 2017) and Law Enforcement Records Retention Schedule 7.2 (January 2017) and Emergency Service (911) Retention Schedule 1.0 (November 2012), as may be revised or amended.

PUBLIC ACCESS

Rights of public access to local government records are defined by Ch. 42.56 RCW, the Public Records Act. The Public Records Act declares that local government records are exclusively public property. They are open to public access subject to limited exemption, which are intended to protect the personal privacy of individuals and the integrity of vital governmental functions. SNOHOMISH COUNTY 911 shall comply with this and all other related statutes.

RECORD INDEX

Pursuant to RCW 42.56.070(4), SNOHOMISH COUNTY 911 has determined that a formal, master index of records would be unduly burdensome in construction and maintenance in relationship to agency size and staffing. SNOHOMISH COUNTY 911 public records are

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maintained, retained and destroyed in accordance with the Washington State Archives Retention Schedules (see SNOHOMISH COUNTY 911 Resolution 2018-01)

EMPLOYEE KNOWLEDGE

SNOHOMISH COUNTY 911 personnel dealing with records requests and release shall be familiar with all applicable sections of Ch. 42.56 RCW.

BASIC PUBLIC DISCLOSURE REQUIREMENTS

- a. 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 for identifiable records under this chapter, 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 agency's records. RCW 42.56.080(1).
- b. Requests should be submitted using the SNOHOMISH COUNTY 911 request form and SNOHOMISH COUNTY 911 shall honor requests received in person during an agency's normal office hours, by mail, email or fax, for identifiable public records unless exempted. The request needs to be submitted in a manner which makes it recognizable as a request requiring a response. Requests should provide reasonable specificity as to the records being sought.
- c. SNOHOMISH COUNTY 911 may deny a bot request that is one of multiple requests from the requester to the agency within a twenty-four hour period, if the agency establishes that responding to the multiple request would cause excessive interference with other essential functions of the agency. For purposes of this section, "bot request" means a request for public records that an agency reasonably believes was automatically generated by a computer program or script. RCW 42.56.080(3).
- d. Within five business days of receiving a public record request, SNOHOMISH COUNTY 911 shall respond by doing one of the following:
 1. Provide the record.
 2. Acknowledge receipt of the request and provide a reasonable estimate of time required to respond to the request. Or, if necessary, seek clarification regarding the request, and then respond as noted
 3. Provide notification of payment requirement prior to release of responsive records.
 4. Deny the request and provide a written statement of specific reasons for denial.

SNOHOMISH COUNTY 911 is not required to *create* records in order to respond to a request for certain information. Rather, SNOHOMISH COUNTY 911 must produce records for review and copying that are in existence at the time of the request

SNOHOMISH COUNTY 911 may not ask the reason for the disclosure request, except when the request is for a list of persons, SNOHOMISH COUNTY 911 should ask whether it is to be used for a commercial purpose. If such a list is to be used for a commercial purpose, disclosure should be denied. (RCW 42.56.070).

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Pursuant to RCW 42.56.540, Third Party Notification is provided for most requests when the request involves a party other than the requestor and there is a potential exemption that could be asserted. This does not apply to requests from other Law Enforcement entities or other such privileged parties. Appropriate consideration of RCW 42.56.240(1)(2) is also applied at the discretion of the SNOHOMISH COUNTY 911 Director.

CHARGES FOR COPYING

SNOHOMISH COUNTY 911 cannot charge for the time required to locate a public record, but can charge for the reasonable costs if a person requests *copies* of public records. The cost for producing sound files on compact disks shall include reproduction time as well as actual costs for the disk and mailing (RCW 42.56.120).

- a. A \$3.50 processing fee will be charged for reproduction of radio or phone recording onto a compact disk. An additional \$1.00 will be charged for each copy produced.
- b. The maximum per page cost for photocopies can only exceed \$0.15 if the agency has determined that its actual costs exceed \$0.15 per page. SNOHOMISH COUNTY 911 will only apply the \$0.15 per page cost to requests whose total responsive copies are greater than 20 pages.
- c. When an electronic version of a paper record is requested, a scanning fee of \$0.10 per page cost will be applied when the number of responsive pages is greater than 30 pages.
- d. \$0.05 per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery. We do not charge fees for uploads under \$2.00.
- e. \$0.10 per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically.

SNOHOMISH COUNTY 911 may provide a request on a partial or installment basis and charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, SNOHOMISH COUNTY 911 is not obligated to fulfill the balance of the request.

SNOHOMISH COUNTY 911 may waive any charge assessed for a request pursuant to agency rules and regulations and with prior approval from the Executive Director.

Recordings will be made for SNOHOMISH COUNTY 911 user agencies, prosecuting attorney's and public defenders, free of charge.

RECORDS WHICH ARE EXEMPT AND MAY BE WITHHELD OR REDACTED

The disclosure of SNOHOMISH COUNTY 911 records will be governed by appropriate state, federal and local laws and the procedures outlined in this policy. Washington state law provides that some records are exempt from public inspection, but only to the extent required to protect a right of privacy and/or a vital government interest. Careful review of records needs to be made to determine if any exemption applies and/or if any records are subject to attorney/client privilege before their release. If a portion of a public record is exempt from disclosure or prohibited from

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being disclosed, the portion that is exempt or prohibited should be *redacted* (blacked-out or other technique), and the rest of the record disclosed.

Whenever SNOHOMISH COUNTY 911 denies disclosure of a record or a portion of a record, the agency shall provide a log citing the specific exemption relied upon and a brief explanation of how the exemption applies to the record withheld in accordance with RCW 42.56.210(3).

If the request is pursuant to a pending claim, claim incident, or lawsuit involving SNOHOMISH COUNTY 911 and/or a user agency, please notify WCIA and/or the assigned defense counsel before the response is made.

SNOHOMISH COUNTY 911 COMMONLY USED EXEMPTIONS

Exemptions commonly used by SNOHOMISH COUNTY 911 are provided below, but are in no way considered a comprehensive list of all the exemptions which may apply to SNOHOMISH COUNTY 911 records.

- a. Incidents still under active investigation by Law Enforcement (RCW 42.56.240(1)).
- b. The identity of witnesses to or victims of crime or who file complaints with investigative or law agencies, if disclosure would endanger any person's life, physical safety, or property (RCW 42.56.240(2)).
- c. Patient medical information (RCW 70.02.005, HIPPA (Health Insurance Portability and Accountability Act)).
- d. Control & Treatment of Sexually Transmitted Disease Confidentiality (RCW 70.24).
- e. Disclosure of certain information contained in SNOHOMISH COUNTY 911 employee personnel files (RCW 42.56.230 & 250).
- f. If at the time of an incident, a party requests non-disclosure, this preference shall govern if disclosure would endanger any person's life, physical safety, or property. (RCW 42.56.240(2)).

Appeal Process: If you feel that information has been withheld, you may file a written appeal with the Snohomish County 911 Executive Director within five (5) business days from the date of the response letter/email. The appeal must include your name and address and a copy of the correspondence noting what was withheld with a brief statement identifying the basis of the appeal.

Please mail or deliver your appeal to:

Snohomish County 911
Attention: Executive Director
1121 SE Everett Mall Way, Suite 200
Everett, Washington 98208

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IMPOUNDING MASTER RECORDINGS

In the event that the requesting agency or a court order requires a master recording be impounded, the following will be done:

- a. SNOHOMISH COUNTY 911 shall preserve the specific sound file(s) originally pulled and responsive to the Public Records Act Request, and preserve it in a wave or MP3 format, so it may be easily reproduced again in the future.
- b. All official recordings reproduced onto CD from SNOHOMISH COUNTY 911's recording system shall be labeled with an official SNOHOMISH COUNTY 911 logo, given the clear designation "SNOHOMISH COUNTY 911 MASTER RECORDING REPRODUCTION" and provide the date created, name and the position of person reproducing and certifying the recording's authenticity. This is an essential step in order to preserve the chain of custody to other Law Enforcement agencies and/or for court purposes.
- c. SNOHOMISH COUNTY 911 shall secure the Master Recording Disk as well as the Computer Aided Dispatch (VAD) log if applicable in a secure, fire proof cabinet.
- d. SNOHOMISH COUNTY 911 shall log the recording as impounded on the impound log.
- e. User agencies consider the Master Copy Reproduction provided by SNOHOMISH COUNTY 911 their official copy for future evidence and will not request the impounding of SNOHOMISH COUNTY 911 recordings.