

Lake Wenatchee Water District

Public Records Act Disclosure Policy

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

This PRA Disclosure policy establishes the procedures the Lake Wenatchee Water District will follow to provide for the fullest assistance to requestors including the timeliest possible action on requests, while protecting public records from damage and preventing "excessive interference with other essential agency functions." RCW 42.56.100

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

DEFINITIONS

1. "Lake Wenatchee Water District" and "The District" is the municipality of the Lake Wenatchee Water District RCW Title 57.

2. "Public Record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the District regardless of physical form or characteristics. RCW 42.56.010(2).

3. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. RCW 42.56.010(3).

RESPONSIBILITY

Public Records Officer: The District's Public Records Officer is the District Clerk. District Commissioners may also process public records requests, as needs require.

The District's Legal Counsel: The District's Legal Counsel shall provide legal advice to the Public Records Officer or designee on those occasions when such advice is sought. Additionally, the District's Legal Counsel's will provide a timely written response to a written request for explanation of a denial of the release of public information as provided in Section 14 of this policy.

PROCEDURE

1. How to Request Records:

Any person requesting access to public records or seeking assistance in making such a request must contact the District Clerk located at:

Lake Wenatchee Water District
16621 Brown Road
Leavenworth, WA 98826

Phone: 509-679-1353
Email: clerk@lakewenatcheewaterdistrict.org

2. Request Format:

The District encourages that all requests for public records be made in writing on a Request for Access to Public Records Form, which is available on the Lake Wenatchee Water District's website www.lakewenatcheewaterdistrict.org. Requests may be submitted by mail or email and will be considered received on the day the form is stamped received, not on the date sent. Requests should include the following information:

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

A variety of records are available on the District's website at www.lakewenatcheewaterdistrict.org. Requestors are encouraged to view records available on the website prior to submitting a records request.

3. Response to Requests:

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

4. Providing Records in Installments

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

5. No Duty to Create Records:

This policy does not require the District to answer written questions, create new public records, or provide information in a format that is different from original public records; 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. WAC 44-14-04003(5)

6. No Duty to Supplement Responses:

The District is not obligated to hold current records requests open to respond to requests for records that may be created in the future. A new request must be made to obtain later-created public records.

7. Fees:

The charge for photocopies is fifteen cents per page or the actual per page cost, whichever is greater. When public records are mailed to a requestor, a charge for postage and the cost of the envelope or container used may be added. No fee is charged for inspection of a public record or for locating a record. Fees may be waived due to the few number of copies made or other circumstances. Payment of fees is required prior to release of records unless other arrangements have been made. RCW 42.56.120

8. Availability of Public Records:

Public records are available for inspection and copying at the District's Office. The District personnel and the requestor must make mutually agreeable arrangements for time(s) of inspection and copying.

9. Preservation of Public Records:

No member of the public may remove a public record from a viewing area, disassemble, or alter any public record.

10. Organization of Public Records:

The District finds that maintaining an index as provided in RCW 42.56.070(3) for use by the public would be unduly burdensome and would interfere with agency operations given the high volume, various locations, and types of public records received, generated and otherwise acquired by the District. RCW 42.56.070(4). Notwithstanding the foregoing, the District will maintain its records in a reasonably organized manner and take reasonable actions to protect records

from damage and disorganization.

11. Closing Abandoned Requests:

If the requestor withdraws the request, fails to fulfill his or her obligations to inspect the records within 15 days of notice that the records are available for inspection, or fails to pay the deposit or final payment for the requested copies, District personnel will close the request. District personnel will document closure of the request and the conditions that led to closure. RCW 42.56.120

12. Records and Information Exempt from Public Disclosure:

The District is not required to permit public inspection and copying of records for which public disclosure of the record is prohibited, restricted or limited by state or federal statute or regulation. The District is prohibited by statute from disclosing lists of individuals for commercial purposes. RCW 42.56.070(9)

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

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

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

13. Denial of Request Due to Exemption:

All denials of requests for public records will be accompanied by a written statement specifying the reason(s) for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. RCW 42.56.210(3)

14. Mechanism for Review of Denial:

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

15. Retention of Records:

The District is not required to retain all records it creates or uses. However, the District will follow RCW Chapter 40.14, Preservation and Destruction of Public Records, in the retention and destruction of public records. The State Attorney General's Local Records Committee approves a general retention schedule for

local agency records (including municipalities) that is common to most agencies. Individual agencies may seek approval from the Local Records Committee for retention schedules specific to their agency or that, due to their particular business needs, must be kept longer than provided in the general schedule.

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

16. Disclaimer of Liability:

Neither the District nor any officer, employee, official or custodian shall be liable, or shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy.

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

ADOPTED June 27, 2013 by Resolution No. 2013-6-27B